City of Fremont Initial Study

1. **Project**: Connolly Center (City of Fremont File Number: PLN2015-00275)

2. **Lead Agency name and address:**
City of Fremont Community Development Department – Planning Division
39550 Liberty Street, 1st Floor
Fremont, CA 94538

3. **Lead Agency contact person:**
Bill Roth, Associate Planner
Phone: (510) 494-4450
E-mail: broth@fremont.gov

4. **Project location:** 40744 Fremont Boulevard (APN 525-701-18-7) and 40733 Chapel Way (APN 525-701-15-18), Fremont, CA (see *Figure 1: Vicinity Map* and *Figure 2: Site Aerial*)

5. **Project Sponsor's name and address:**
Warmington Residential CA, Inc.
Attn: Don Babbitt
2400 Camino Ramon, Suite 234
San Ramon, CA 94583
Phone: (925) 866-6700
E-mail: don.babbitt@WarmingtonGroup.com

6. **General Plan Land Use Designation:** Commercial – General

7. **Current Zoning:** TC-T(I) Town Center Transitional District (Irvington)

8. **Description of project:**

The proposed project includes a General Plan Amendment (from Commercial – General to Medium-Density Residential (14.6 to 29.9 units per net acre)), a Rezoning (from TC-T(I) Town Center Transitional District (Irvington) to R-3-18 Multifamily Residence District, Vesting Tentative Tract Map #8261, Preliminary Grading Plan, Private Street, Design Review, and Conditional Use Permit (to allow live/work units) for the demolition of existing structures and construction of approximately 56 attached townhouse residential units and 11 attached live/work units on an approximately 3.73 acre site at 40744 Fremont Blvd (APN 525-701-18-7) and 40733 Chapel Way (APN 525-701-15-18) in the Irvington Community Plan Area.

The proposed site currently serves as a commercial shopping center and includes three buildings and parking areas for various retail, restaurant, and service uses. The property owner (Irvington Enterprises) plans to relocate their business, a furniture store (Connolly's Furniture) that is currently the largest store in the shopping center, and, in partnership with Warmington Residential CA, Inc., convert the site from a commercial to a primarily residential use with townhouses and live/work units. To allow the proposed use, a General Plan Amendment to change the land use designation for the site from Commercial – General to Medium-Density Residential (14.6 to 29.9 units per net acre) would be required, as would a rezoning from TC-T(I) Town Center Transitional District (Irvington) to R-3-18 Multifamily Residence District. The land use study and the General Plan policies related to the proposed conversion from commercial to residential are discussed in the "Land Use and Planning" section of this Initial Study.

The proposed project would involve the removal of existing paving and foundations and the grading of the site to form new building pads and private street and sidewalk grades. The existing site is approximately 98% covered with impervious surfaces, including buildings and paved parking area. The existing impervious area is approximately 158,000 square feet whereas the proposed project would have approximately 126,000 square feet of impervious surfaces, a total decrease of approximately 32,000 square feet.

As part of the proposed project, the site would be subdivided into 11 residential lots, one for each of the eleven multi-unit townhouse or live/work buildings, and 12 lots for common use areas, driveways, landscaping, and stormwater management. The proposed townhouses and live/work units would be three stories with the exception of the units nearest the north and northeast property lines, which would be two-stories (see Figure 3: Conceptual Site Plan). These units would be two stories in height, to ensure conformance with Fremont Municipal Code (FMC) Section 18.90.050, which limits building heights to 30 feet within those areas of parcels in the R-3 Multifamily Residence District that are within 50 feet of any property with a General Plan density designation of 8.7 units per acre or less. The lots to the northwest, north, and northeast of the proposed project site have a General Plan designation of Low Density Residential (2.3 - 8.7 units per net acre).

The project includes a private street, on-site parking areas for guests, and an interconnected system of walkways and paseos to provide pedestrian access from individual units out to the public sidewalk. The proposed development would also include approximately 7000 square feet of common open space area, including a park for active recreation purposes and a separate outdoor seating area as well as benches along landscaped pathways for passive recreation. Upon completion of site preparation and final grading, the installation of streets, sidewalks, and utilities, the construction of the new residences would be completed over an approximately 30-month period.

Circulation and Parking

The proposed project would include a new, internal private street to serve the development and provide access to Fremont Boulevard and Chapel Way, with one driveway on both public streets. Parking for residents of each proposed unit would be provided with two-car garages attached to the units (all garages would provide standard, side-by-side vehicle parking). Parking for guests would be provided in several surface parking areas on site. The proposed project would include additional street trees on Fremont Boulevard and Chapel Way. Additionally, the project proponent will grind and overlay the roadway to the centerline of Fremont Boulevard, along the project frontage, remove and replace the existing asphalt pavement and underlying base rock, along the project frontage to the center of Chapel Way, and underground utilities, both abutting and crossing the property.

Grading

The site is flat with an elevation of approximately 54 feet above sea level. The proposed project would include the demolition of existing buildings, excavation of concrete slabs and associated foundations, and the removal of asphalt, as well as the removal of soil to create a flat building surface and facilitate effective drainage of stormwater to proposed bioretention areas. In total, approximately 9,000 cubic yards of material would be exported from the site to facilitate the proposed project, including approximately 5,000 cubic yards of construction debris and approximately 4,000 cubic yards of soil.

Maximum cuts and fills at the site would be approximately 2 feet in depth. Excavation to create the proposed stormwater bio-retention areas would be up to approximately 2 feet in depth. The greatest depth of excavation within the project area would be approximately 10 feet in depth, to install the sanitary sewer system. All existing concrete and asphalt would be 100% recycled and at least 50% of the construction and demolition debris generated by the project would be reused or recycled, as required by Fremont

Municipal Code (FMC) Section 8.40.810.

Tree Removal and Replacement
A Tree Inventory Report and Tree Assessment (*Tree Study*) were prepared for the property by Hort Science in May 2015, which identified 18 trees, including 10 trees on the project site and 8 street trees along the proposed project's frontage that are of a size and species subject to the tree removal mitigation requirements of the City of Fremont Tree Preservation Ordinance. Five trees will be preserved in place. One street tree on Chapel Way will be relocated to a new tree well. The other 12 trees would be removed to facilitate the development of the proposed project.

The removal of protected trees is subject to requirements involving the planting of replacement trees or the payment of in-lieu fees to mitigate the removal of trees that cannot be replaced on-site due to land area constraints, in accordance with the mitigation requirements of the City's Tree Preservation Ordinance. The proposed project would include the planting of approximately 99 trees on the project site and eight street trees (not including an existing street tree that will be transplanted on Chapel Way). Three street trees will be planted along Fremont Boulevard and five trees will be planted along Chapel Way.

Landscaping
Landscaping for the project site would include the planting of non-invasive trees, shrubs, and grasses. The stormwater treatment area to be constructed with the project would be planted with a mix of plants suitable for stormwater treatment areas. Street trees would be planted along Fremont Boulevard and Chapel Way.

9. Surrounding land uses and setting:

To the west of the proposed project site is a vehicle service and tire shop use on a lot with a General Plan Land Use designation of Commercial - General. To the northwest, north, and northeast of the proposed project site are single-story, single-family homes with a General Plan Land Use designation of Low Density Residential (2.3 - 8.7 units per net acre) and a multi-family residence that fronts onto Max Drive (40785 Max Drive), which also has a General Plan Land Use designation of Low Density Residential (2.3 - 8.7 units per net acre). To the east of the project site, across Chapel Way, is City of Fremont Fire Station No. 3 with a designation of Public Facility and, to the south of that, a three-story, multi-family development designated Medium Density Residential (14.6 – 29.9 units per net acre). To the southeast of and adjacent to the proposed project site, at the northeastern corner of Fremont Boulevard and Chapel Way, are several retail and restaurant uses on land with a General Plan designation of Commercial – General. To the south of the proposed project site, across Fremont Boulevard, is a small commercial center with a designation of Commercial – General, a single-family house with a designation of Commercial – General, and a multifamily development (Sequoia Manor) with a designation of Medium Density Residential (14.6 – 29.9 units per net acre).

10. Congestion Management Program - Land Use Analysis: The project analysis must be submitted to the Alameda County Congestion Management Agency for review if "Yes" to any of the following:

[X]	YES	[ ]	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
[ ]	YES	[X]	NO	A Notice of Preparation is being prepared for this project.
[ ]	YES	[X]	NO	An Environmental Impact Report is being prepared.

11. Other public agencies requiring approval: Alameda County Water District, Union Sanitary District

12. Other Previous Environmental Review: Fremont General Plan Update EIR (SCH#2010082060)

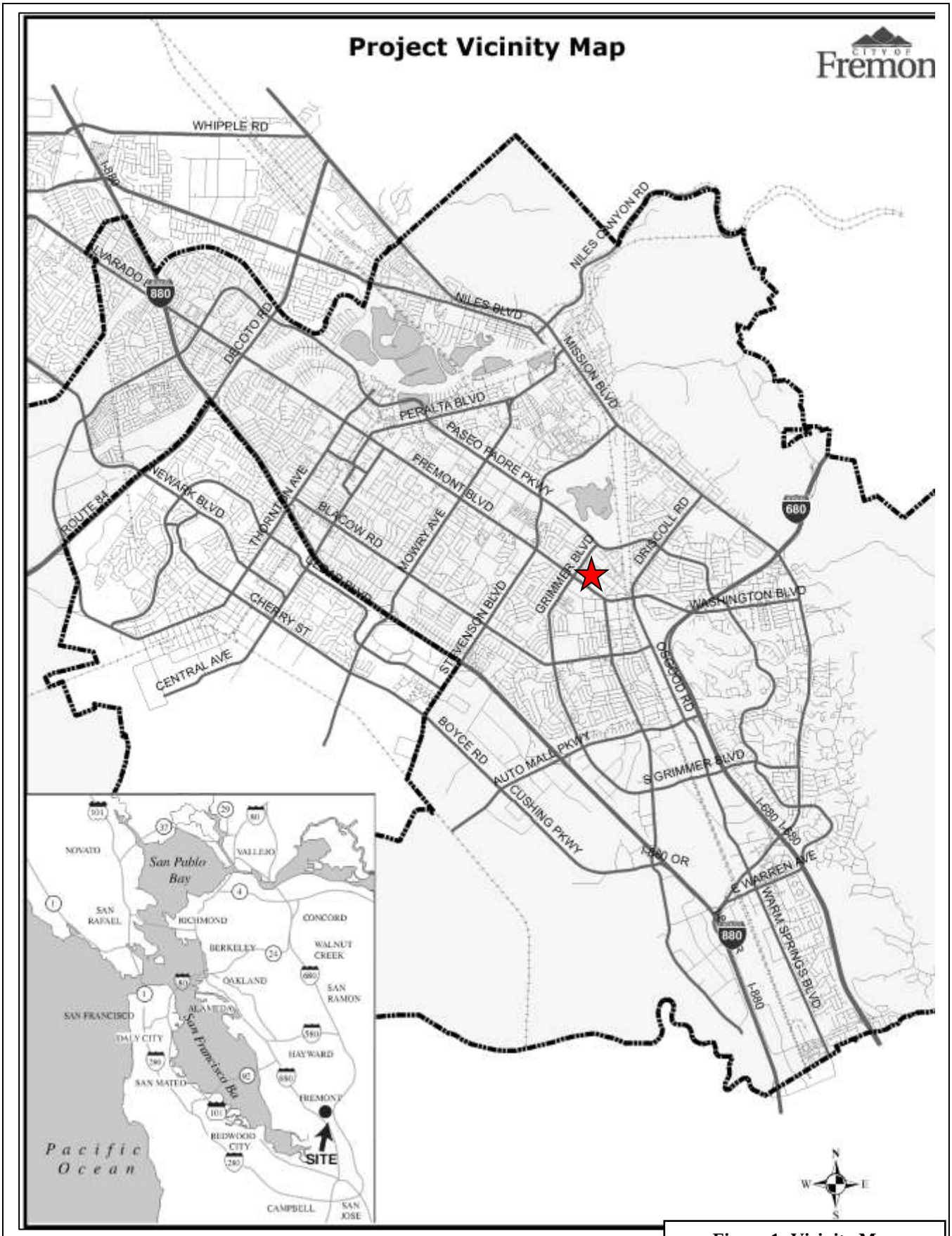

Figure 1: Vicinity Map

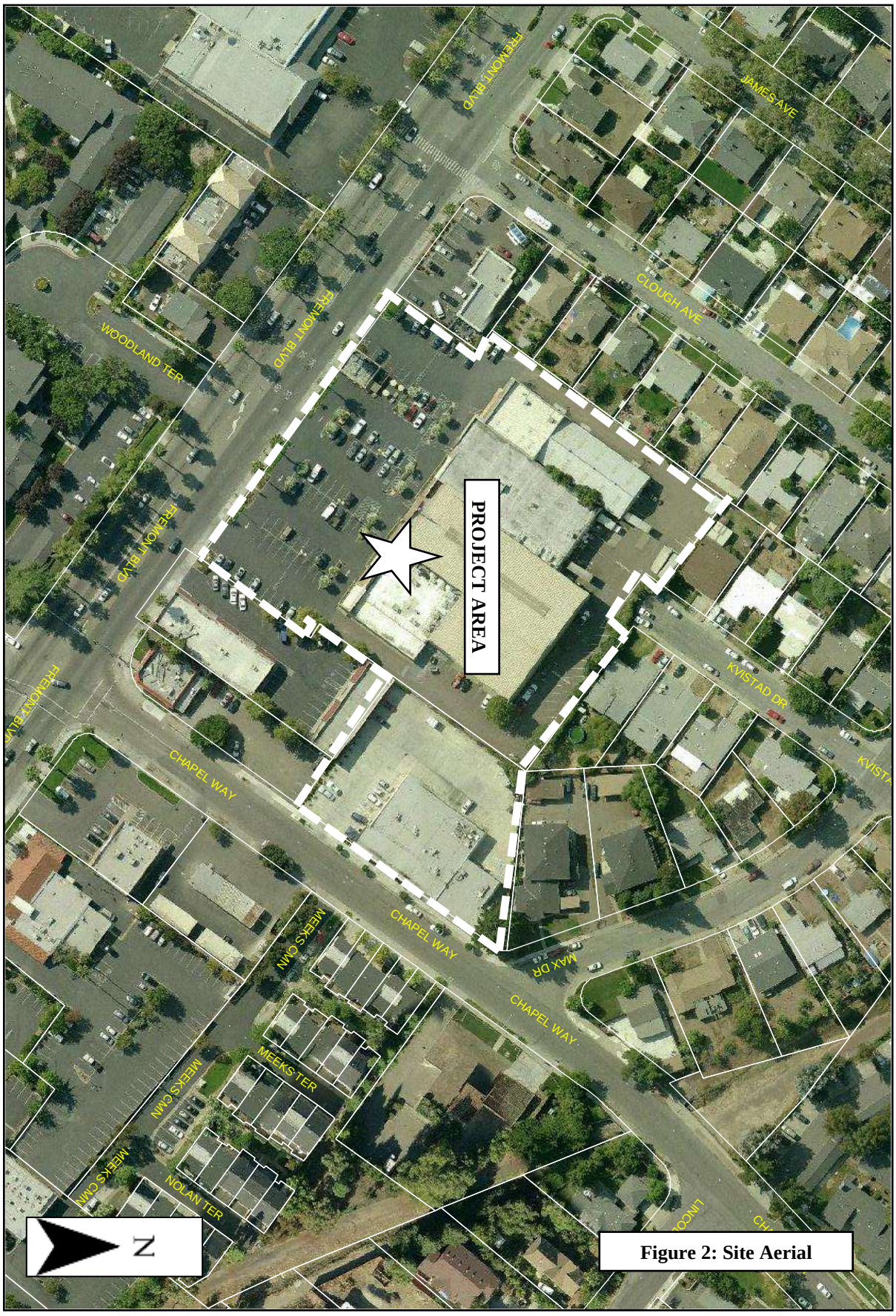

Figure 2: Site Aerial

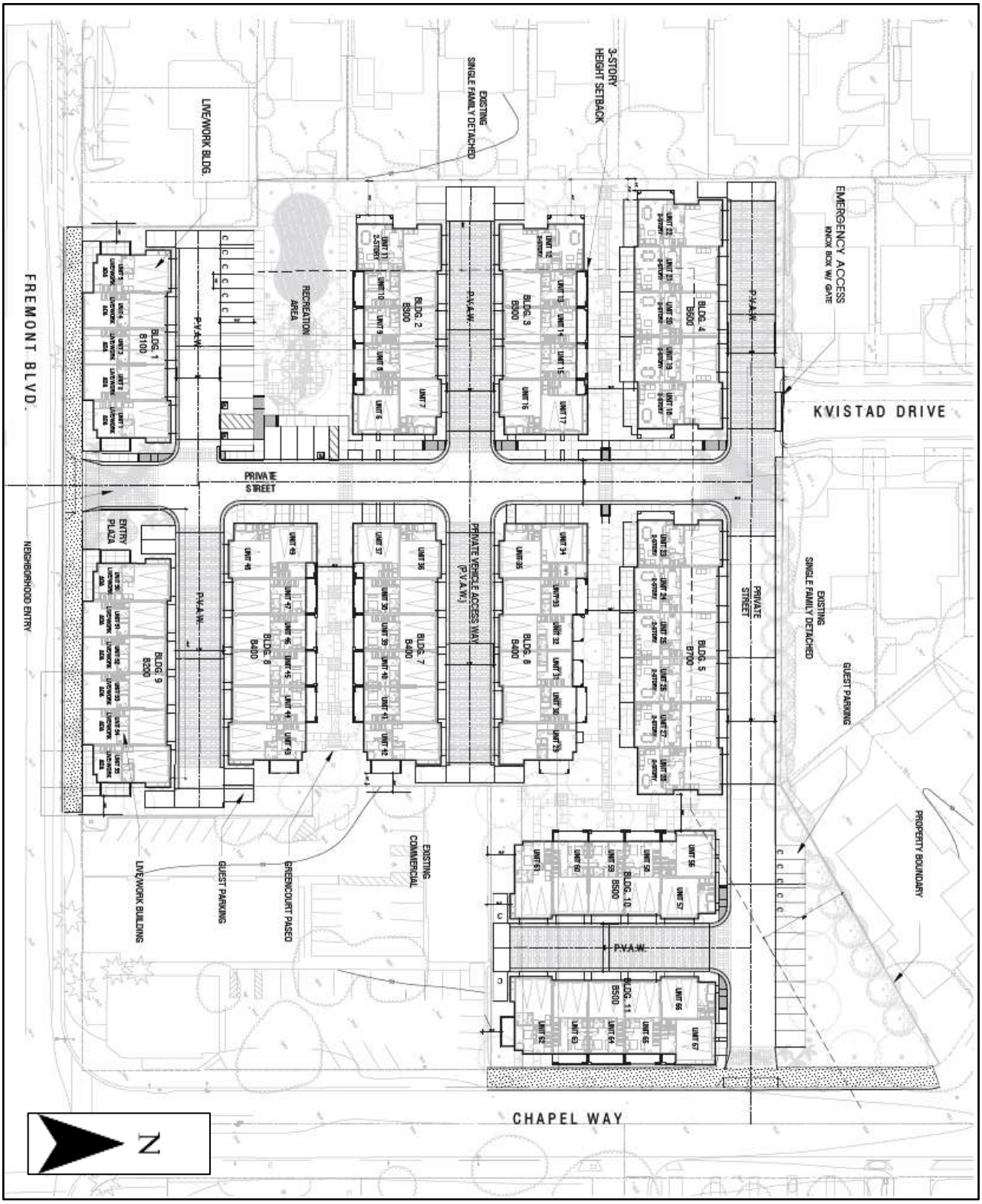

Figure 3: Conceptual Site Plan

LIVE/WORK – CONCEPTUAL FRONT ELEVATION

TOWNHOMES BUILDING 200 – CONCEPTUAL FRONT ELEVATION

TOWNHOMES BUILDING 600 – CONCEPTUAL FRONT ELEVATION

Figure 4: Conceptual Building Elevations

Live/Work - Conceptual Perspective (View of Buildings 1 and 9 From Across Fremont Boulevard)

Townhouses – Conceptual Perspective (View of Building 2 From Across Park and Driveway)

Figure 5: Conceptual Perspectives

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following list indicates the environmental factors that would be potentially affected by this Project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled "PS" while those factors that are indicated as a "Potentially Significant Unless Mitigation Incorporated" are labeled "M".

	Aesthetics		Agriculture and Forest Resources	**M**	Air Quality
M	Biological Resources	**M**	Cultural Resources		Geology / Soils
M	Hazards & Hazardous Material		Hydrology / Water Quality		Land Use / Planning
	Greenhouse Gas Emissions		Mineral Resources	**M**	Noise
	Population / Housing		Public Services		Recreation
	Transportation / Traffic		Utilities / Service Systems	**M**	Mandatory Findings of Significance

DETERMINATION BY THE CITY OF FREMONT:

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: 11/6/2015

Printed Name: Bill Roth For: City of Fremont

Planning Manager Review: _____

I. AESTHETICS –

Environmental Setting

The City of Fremont General Plan classifies the segment of Fremont Boulevard in front of the proposed project site as an Urban Corridor. Urban Corridors are described in the General Plan as streets planned for higher density, pedestrian-oriented mixed use development and multi-modal transportation (General Plan Community Character Chapter, page 4-14). Per the General Plan Community Character Place Types Manual, buildings adjacent to Urban Corridors should be 2-8 stories to provide an appropriate urban form and scale (General Plan Community Character Place Types Manual, page 13). The General Plan references the Zoning Ordinance for specific requirements.

The proposed project includes a General Plan Amendment (from Commercial – General to Medium-Density Residential (14.6 to 29.9 units per net acre)) and a Rezoning (from TC-T(I) Town Center Transitional District (Irvington) to R-3-18 Multifamily Residence District. The project would include three-story buildings along Fremont Boulevard, at heights up to approximately 35' 1", in conformance with the proposed R-3-18 zoning district, which allows buildings up to 36 feet in height.[1] Building height in R-3 districts is limited to 30 feet for those areas of lots within 50 feet of any property with a general plan density designation of 8.7 units per acre or less. The lots adjacent to the west and north of the proposed site include lots with single family homes that are designated Residential - Low, 2.3 - 8.7 DU/AC. Proposed buildings within 50 feet of those single-family lots will step down to two stories (approximately 26' in height), such that the proposed project would comply with this requirement.

The proposed site's Fremont Boulevard frontage, which is approximately 325 feet in length, includes an existing, approximately 25-foot-wide building (Bob's Burgers), and the remaining 300 feet of the frontage is comprised of a parking area and several landscape islands. Several street trees (palm trees) are planted along Fremont Boulevard, in front of the site. The site's frontage on Chapel Way includes an existing one-story retail building, a driveway, and two rows of parking. This frontage includes several small street trees.

Regulatory Framework

Local regulations that pertain to the proposed project related to aesthetics include:

- City of Fremont General Plan Community Character Chapter (adopted December 2011)
- City of Fremont General Plan Community Plans Chapter (adopted December 2011)
- City of Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012)

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect on a scenic vista?			X		1, 8, 11
b	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 8, 11
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			X		1, 8, 11

[1] Per the Fremont Municipal Code (FMC), building height is measured to the highest point of a flat roof, or to the mean height between the top plate of the uppermost story and the highest point for other roof types.

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 8, 11

Discussion/Conclusion/Mitigation

a-b) Would the project have a substantial adverse effect on a scenic vista? b) Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The proposed site is not located near a state scenic highway and would not damage scenic resources along a state scenic highway nor would it block or obscure any scenic vista. As such, the project would not substantially damage scenic resources. The site is currently paved and is being used as a commercial shopping center. There are no scenic rock outcroppings. None of the trees that would be removed with the proposed project are designated as City Landmark Trees. An historic resource evaluation determined there are no historically significant buildings on the site, as discussed in the Cultural Resources section of this Initial Study.

Potential Impact: Less than Significant Impact
Mitigation: None Required

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

The proposed project would involve the conversion of a commercial shopping center into a new primarily residential development with landscaping to be maintained by a Home Owner's Association (HOA), city-approved trees, and public right-of-way improvements along both public roads adjacent to the site. Views from Fremont Boulevard and Chapel Way and from adjacent residential developments onto the site would be enhanced with the proposed project, which would replace existing buildings and parking area with a new residential development, landscaping, and trees in conformance with the City's Multifamily Design Guidelines.

The project would include three-story live/work units with patio entries along Fremont Boulevard, consistent with the two- to eight-story buildings envisioned in the General Plan Community Character Place Types Manual for development adjacent to Urban Corridors, three-story townhouse units with patio entries along Chapel Way, and two-story townhouse units nearest the adjacent single-family lots to the west and north of the site. A 6-foot-tall, pre-cast perimeter wall would be installed along the property line shared with adjacent uses. Approximately 99 trees would be planted, including new trees along the perimeter, which would help to screen the proposed buildings, ensure the privacy of adjacent residents, and enhance the existing visual character of the site. For these reasons, the proposed project would not substantially degrade the existing character or quality of the site or the surrounding area.

Potential Impact: Less than Significant
Mitigation: None Required

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The subject property currently contains three commercial buildings: one large building, which

houses Connolly Furniture and several other tenants, a small standalone building occupied by Bob's Burgers, and a building on Chapel Way, occupied by several retail and office uses. The parking area is currently illuminated with freestanding light poles located between the rows of parking.

Construction of the proposed project would result in new sources of light, along the new private streets and parking areas. However, the City's Zoning Ordinance requires that all exterior light sources be designed so as not to create significant glare on adjacent properties through the use of concealed source and/or downcast light fixtures. Compliance with the exterior lighting requirements of the Zoning Ordinance would result in the project's having no significant lighting or glare impacts on adjacent properties.

Potential Impact: Less than Significant
Mitigation: None Required

II. AGRICULTURE AND FOREST RESOURCES

Environmental Setting
Properties surrounding the proposed site are developed with residential and commercial uses, as previously described in this Initial Study. Neither the subject property nor the adjacent properties involve agricultural uses or farmland. The project site does not include forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526). The property is not zoned for agricultural uses.

Regulatory Framework
State and local regulations that pertain to the proposed project related to agriculture and forest resources include:

- City of Fremont General Plan Conservation Chapter
- California Department of Conservation, Alameda County Farmland Map-Access via URL: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/ala12.pdf

Environmental Checklist
Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 8, 20
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 8, 20
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				X	N/A

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	N/A

Discussion/Conclusion/Mitigation

a) Would the proposed project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

According to the California Department of Conservation's 2012 Alameda County Farmland Map, the site is not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, no impact would result. The area adjacent to the project site is an urban area and has been developed with residential and commercial uses.

Potential Impact: No Impact
Mitigation: None Required

b-e) Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract? Would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? Would the proposed project result in the loss of forest land or conversion of forest land to non-forest use? Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Neither the proposed project area nor the adjacent lots include land with agricultural resources, lands that are zoned for agricultural uses, or lands under Williamson Act contract. The proposed project would not result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no agricultural resource or forest resource impacts would result from the development of the project.

Potential Impact: No Impact
Mitigation: None Required

III. AIR QUALITY

Environmental Setting

The project site is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin. Both the Federal Clean Air Act and the California Clean Air Act require the California Air Resources Board (CARB), based on air quality monitoring data, to designate portions

of the state where the federal or state ambient air quality standards are not met as "nonattainment areas." Because of the differences between the national and state standards, the designation of nonattainment areas is different under the federal and state legislation. The Bay Area is designated as an "attainment area" for carbon monoxide, nitrogen dioxide, and sulfur dioxide. The region is classified as a "nonattainment area" for both the federal and state ozone standards, although a request for reclassification to "attainment" of the federal standard is currently being considered by the U.S. EPA. The area does not meet the state standards for particulate matter; however, it does meet the federal standards.

The U.S. Environmental Protection Agency (EPA) and CARB have established ambient air quality standards for what are commonly referred to as "criteria pollutants," because they set the criteria for attainment of good air quality. Criteria pollutants include carbon monoxide, ozone, nitrogen dioxide, sulfur dioxide, and particulate matter (PM). Ozone and PM10 are considered regional pollutants, because their concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Carbon monoxide is considered a local pollutant, because elevated concentrations are usually only found near the source (e.g., congested intersections).

The BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses (BAAQMD, 2012). Residential areas, day care centers, hospitals, and schools are some examples of sensitive receptors. The nearest sensitive receptors to the proposed project site would be residents at the adjacent single-family residential lots to the west and north of the proposed project site.

Regulatory Framework

Federal, state and local regulations that pertain to the proposed project related to air quality include:

- City of Fremont General Plan Conservation Chapter (Air Quality)
- Clean Air Plan: The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts associated with project construction and operation based on criteria pollutants contained in the adopted *Clean Air Plan*. The *Clean Air Plan* focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest of such monitoring station is #1014 at 40733 Chapel Way in Fremont. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NOx), and particulate matter (PM_{10} and $PM_{2.5}$). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs per day for ozone precursors. For TACs, the City of Fremont has established acceptable thresholds for new sources of increased risk of 10 chances in a million as defined by BAAQMD for their individual TAC emissions. However, for sensitive receptors within developed in-fill areas of the City (such as the residential uses proposed by the project), the City uses the cumulative exposure threshold of 100 chances per million.[2]
- Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines

Environmental Checklist

Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Conflict with or obstruct implementation of any applicable air quality plan?			X		1, 21, 22

[2] City of Fremont. *Fremont General Plan Update Final EIR*. September 2011.

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		1, 21, 22
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X		1, 21, 22
d.	Expose sensitive receptors to substantial pollutant concentrations?		X			1, 3, 6, 21, 22
e.	Create objectionable odors affecting a substantial number of people?			X		1, 3, 6

Discussion/Conclusion/Mitigation

a-d) Would the project conflict with or obstruct implementation of any applicable air quality plan? Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Would the project expose sensitive receptors to substantial pollutant concentrations?

In formulating its compliance strategies, Bay Area Air Quality Management District (BAAQMD) relies on planned land uses established by local general plans. When a project is proposed in a jurisdiction with a general plan in a manner consistent with that general plan, then it is also considered to be consistent with BAAQMD's *Clean Air Plan*. The proposed project, however, would require a General Plan Amendment (from Commercial – General to Medium-Density Residential (14.6 to 29.9 units per net acre)) to allow the conversion of the current shopping center use into a residential use, so additional analysis is provided herein. As discussed below and in the Transportation section of this Initial Study, the proposed infill project would have emissions below BAAQMD thresholds of significance and would generate less vehicle trips than the current shopping center use (that conforms to the site's current General Plan designation).

The City uses screening criteria developed by the BAAQMD to conservatively determine whether a proposed project could result in potentially significant air quality impacts. Projects that exceed the screening criteria could potentially exceed the thresholds of significance for GHG emissions, potentially resulting in significant adverse air quality impacts. The following table shows screening criteria for new apartment and townhouse developments for operational criteria pollutants, operational GHGs, and construction related emissions.

Table: Criteria Air Pollutants and Precursors and GHG Screening Level Sizes

Land Use	Operational Criteria Pollutant Screening Size	Operational GHG Screening Size	Construction Related Screening Size
Condo/townhouse, general	451 du (ROG)	78 du	240 du (ROG)
>>Proposed Project	*67 du*	*67 du*	*67 du*

As shown in the preceding table, the proposed project would fall below the screening level sizes for Operational Criteria Pollutants, Operational Greenhouse Gas Emissions (GHG), and Construction-Related Criteria Pollutants, per Table 3-1, *Criteria Air Pollutants and Precursors and GHG Screening Level Sizes*, in BAAQMD's May 2011 CEQA Air Quality Guidelines and it would not result in operational or construction related emissions that would impact local or regional air quality standards. Based on the size of the proposed project, it would not result in operational or construction related emissions that would impact local or regional air quality standards.

CalEEMOD, the California Emissions Estimator Model, was used to predict operational and construction emissions. As shown below, the construction and operational emissions from the proposed project would be below thresholds adopted by BAAQMD for ozone and particulate matter.

Table: Annual Unmitigated Operational Emissions (tons per year)

Year	ROG	NOx	Exhaust PM10	Exhaust PM2.5
Annual Emissions	0.74	0.88	0.04	0.04
Threshold	10	10	15	10

Table: Annual Unmitigated Construction Emissions (tons per year)

Year	ROG	NOx	Exhaust PM10	Exhaust PM2.5
2016	0.49	4.1	0.27	0.25
2017	1.07	0.2	0.01	0.01
Threshold	10	10	15	10

TACs

The California Air Resources Board (CARB) has identified that people in the following categories are most likely to be affected by air pollution: children under 14, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. The closest off-site sensitive receptors to the project site are the adjacent single-family residences to the west and north of the project site. It is assumed that the future resident population for the proposed project would include sensitive receptors.

For Toxic Air Contaminants (TACs), the City of Fremont has established acceptable thresholds for new sources and receptors of increased risk of 10 chances in one million as defined by BAAQMD for their individual TAC emissions. However, for sensitive receptors within developed in-fill areas, the City uses the cumulative exposure threshold of 100 chances per million (Fremont General Plan Update Final EIR. September 2011). The project is considered in-fill in an already developed area of the City and therefore the cumulative exposure threshold of 100 chances per million would apply.

As discussed in the General Plan EIR, in Fremont, there are basically three types of sources that would potentially expose sensitive receptors to TACs (General Plan EIR Page 4-131): roadways, rail lines, and stationary sources. Roadways are the most common source, where diesel trucks would be the greatest source of TACs, as further discussed below. Fremont includes rail lines that are also sources of diesel particulate matter (DPM) emissions associated with train movements; however, there are no rail lines near the proposed project site. Fremont also includes numerous

stationary sources that are permitted through BAAQMD that have mostly localized emissions; those nearest the proposed project are identified and discussed below.

Roadways

The Fremont General Plan identifies those areas of the City where existing sources of TACs would cause elevated health risks to sensitive receptors located nearby. The *Community Risk Overlays in Fremont* (Appendix C of the Fremont General Plan Final EIR*)* includes maps and data identifying the weighted lifetime cancer risk and elevated $PM_{2.5}$ concentrations associated with major roadways and railways in the City. The *Community Risk Overlay* study area nearest the project site (Fremont Boulevard between Stevenson Boulevard and Mowry Avenue, beginning approximately 0.6 miles to the northwest of the proposed project site) and with comparable traffic volumes as analyzed below, identifies a weighted lifetime cancer risk of approximately 5 in one million extending to about 50 feet beyond the edge of the roadway, which is below the increased cancer risk threshold of 100.0 in a million or greater for infill projects. The proposed project is considered in-fill in an already developed area of the City and therefore the cumulative exposure threshold of 100 chances per million would apply. $PM_{2.5}$ concentrations associated with the analyzed road segment would be 0.10 within 50 feet beyond the edge of the roadway, which is below the adopted signficiance threshold of an annual average $PM_{2.5}$ concentration of greater than 0.3 μg/m.

The segment of Fremont Boulevard in front of the proposed project site has a level of vehicle traffic that is comparable to the segment analyzed in the *Community Risk Overlay*, so it is acceptable to use the results of the Community Risk Overlay in analyzing the proposed project. As shown in the City of Fremont *Traffic Counts Table 2010*, the segment of Fremont Boulevard in front of the proposed project site (Fremont Boulevard from Stevenson Boulevard to Union Street) has an Average Daily Total Volume (ADTV) of vehicle traffic of 30,923 vehicles[3]. This is comparable to the segment of Fremont Boulevard (Fremont Boulevard from Mowry Avenue to Stevenson Boulevard) that was analyzed in the *Community Risk Overlays in Fremont*, which has an ADTV of vehicle traffic of 29,109 vehicles, per the *Traffic Counts Table 2010*. Both segments are designated as Primary Arterial in the General Plan. Per the General Plan, Primary Arterials are high capacity local facilities which meet the demand for longer, through trips within a community, with weekend traffic volume greater than 20,000 vehicles per day.

As future sensitive receptors of the proposed project would not be exposed to health risks beyond City of Fremont standards from cumulative TACs generated by Fremont Boulevard, the impact would be less-than-significant. [Less than Significant Impact]

Stationary Sources

Review of the area around the proposed project site and coordination with BAAQMD staff indicates there are no major stationary sources of TAC pollutants (such as refineries or power plants) within 1,000 feet of the project. There is a gasoline station, a stationary source, located approximately 750 feet to the northwest of the project site, at the eastern corner of Fremont Boulevard and Eugene Street (40500 Fremont Boulevard; 525 071608400).[4] Pacific Pure Water and Cleaners (a dry cleaning establishment) is located approximately 750 feet to southeast of the proposed project site (40919 Fremont Blvd, Ste. 12; APN: 525 067000402). Adjacent to the site, at the northeastern corner of Fremont Boulevard and Clough Avenue is the former site of a gasoline service station, which had a Leaking Underground Storage Tank (LUST) (40648

[3] City of Fremont, *Traffic Counts Table 2010,* available online: https://www.fremont.gov/869/Transportation-Data. Accessed: April 9, 2015.
[4] Planning staff phone call to BAAQMD Senior Air Quality Permit Technician Duncan Campbell on October 21, 2015.

Fremont Boulevard; APN: 525 070102102). As shown in Table 3.3 of the *Phase I ESA report by TCG*, the LUST status is now "Closed," as the site meets regulatory requirements and no longer operates in the manner that caused the LUST listing. The site is now occupied by a tire shop with smog check and a brake and alignment services.

As discussed in the General Plan EIR, when siting new sensitive receptors, the BAAQMD CEQA Guidelines advise that lead agencies examine existing or future proposed sources of TAC and/or PM2.5 emissions that would adversely affect individuals within the planned project (General Plan EIR Page 4-136). Stationary sources of TACs can include gasoline dispensing stations and dry cleaners and without proper setbacks or mitigation measures, these sources could result in TAC levels that would be significant for new sensitive receptors. The California Air Resources Board (CARB) provides the following guidance regarding proper setbacks from gasoline stations and dry cleaning facilities:

- ***Gasoline Stations.*** CARB found the cancer risks associated with relatively high volume stations to be about 10 in one million at a distance of 50 feet. Except for the largest gasoline stations, health risks near gasoline stations should be less than 10 in one million at distances beyond 50 feet.

- ***Dry Cleaning Facilities.*** Perchlorethylene (Perc) is the solvent used commonly in past dry cleaning operations. Perc is a TAC, because it has the potential to cause cancer. In 2005, CARB recommended setbacks of 300 feet between dry cleaning facilities that emit Perc and sensitive land uses. Since then, CARB has enacted new rules to substantially reduce Perc emissions and phase out the use of dry cleaning operations that produce these emissions. The Perc exposures would be reduced by 80 percent or more as a result of the new Air Toxic Control Measure amendments. As a result, siting of new sensitive receptors could be allowed within 100 feet of these operations.

As previously discussed, the proposed project site would be located at least 750 feet from the nearest stationary sources of TAC, such that potential sensitive receptors in the proposed development would not be exposed to significant levels of TAC from stationary sources.

As shown in the preceeding "Table: Annual Unmitigated Operational Emissions (tons per year)," the proposed project is not considered a source of TAC emissions and, as a result, the project operation would not cause emissions that expose sensitive receptors, as described below, to unhealthy air pollutant levels. (Less than Significant Impact)

<u>Construction</u>
Though the proposed project would fall below the Construction Criteria Pollutant Screening Sizes, per Table 3-1 Criteria Air Pollutants and Precursors and GHG Screening Level Sizes in BAAQMD's May 2011 CEQA Air Quality Guidelines, the proposed project would include construction activity over an approximately 30-month period and this activity would generate dust and equipment exhaust on a temporary basis. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are employed to reduce these emissions. Mitigation Measure Air-1 would implement BAAQMD best management practices for temporary construction emissions control.

The proposed project would include the excavation of existing buildings, concrete slabs and associated foundations, and the removal of asphalt, as well as the removal of soil to create a flat building surface and facilitate effective drainage of stormwater to proposed bioretention areas. In total, approximately 9,000 cubic yards of material would be exported from the site to facilitate the

proposed project, including approximately 5,000 cubic yards of construction debris and approximately 4,000 cubic yards of soil. As the proposed project would not involve extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity, the project would not cause a significant air quality impact due to extensive material transport off-site.

Impact Air-1: The project would generate a temporary increase in emissions from truck traffic and diesel-powered heavy equipment near sensitive receptors. The temporary effects of grading activities could cause airborne dust during construction if not managed through conventional dust control methods. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: The BAAQMD CEQA Air Quality Guidelines consider short-term construction impacts from construction pollutants (dust and emissions) less than significant if best management practices are employed to reduce these emissions. Implementation of Mitigation Measure Air-1, below, would reduce impacts associated with particulate matter (fugitive dust emissions) from project construction activities to a less-than-significant level:

MM Air-1: Temporary Construction Emissions. Prior to the issuance of a grading permit, the following best management practices shall be included in a dust control plan to limit fugitive dust emissions and noted on the grading and construction plans along with the contact information for a designated crew member responsible for the on-site implementation of the dust control plan:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

e) Would the project create objectionable odors affecting a substantial number of people?

As a residential land use, the project would not create objectionable odors, once construction is completed; however, the proposed project would generate odor from localized emissions of diesel exhaust during grading and construction activities due to equipment and truck operations. These odors may be noticeable from time to time by nearby receptors; however, the odors would be temporary and would not affect a substantial number of people. Mitigation Measures Air-1 would further reduce potential impacts through reduced idling times for equipment. The project includes adequate solid waste storage area and is required to comply with the City's solid waste management regulations, which include policies to reduce potential odor impacts from solid waste. As such, the project would not create objectionable odors affecting a substantial number of people.

Potential Impact: Less than Significant
Mitigation: None required

IV. BIOLOGICAL RESOURCES

Environmental Setting
The proposed project site currently serves as a commercial shopping center, with three buildings and a large, contiguous parking area. Landscaping and trees are limited to the site's perimeters and small islands within the parking area, such that all but approximately 10% of the site is paved or covered with buildings. As the site is already developed and lacks suitable habitat, wildlife values for the site are low.

Regulatory Framework
Federal, state, and local regulations that pertain to the proposed project related to biological resources include:

- City of Fremont General Plan, Conservation Chapter
- City of Fremont Tree Preservation Ordinance
- Federal Migratory Bird Treaty Act
- California Department of Fish and Wildlife Code
- U.S. Fish and Wildlife Service laws and requirements
- Alameda County Flood Control District laws and requirements

Environmental Checklist
Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 8
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 8

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1, 8
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X			1, 8
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 3, 8, A
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	1, 8

Discussion/Conclusion/Mitigation

a-d) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The proposed project site currently serves as a commercial shopping center, with three buildings and a large, contiguous parking area. Landscaping and trees are limited to the site's perimeters and small islands within the parking area. The site provides little, if any, suitable habitat. Sensitive natural communities such as riparian habitat are absent from the project site.

The proposed project will require grading, excavation, and vegetation removal, thereby resulting in the project site becoming vulnerable to erosion. Eroded soil is generally carried as sediment in surface runoff to be deposited in natural creek/river beds, canals, and adjacent waters, though there are no creek beds or waters adjacent to the site. The applicant will be required to develop an erosion control plan as a condition of approval. The applicant must also comply with standard erosion control measures that employ best management practices (BMPs), develop a Stormwater Pollution Prevention Plan (SWPPP) per State Water Quality Control Board Stormwater Permit requirements, and conform with the City of Fremont's Storm Water Management and Discharge Control Municipal Code, Title VII, Chapter 11. Implementation of the above listed requirements and conditions would reduce impacts to downstream waters from erosion and polluted stormwater runoff to a less than significant level.

Existing trees on-site and the street trees that would be relocated or removed and replaced could potentially provide nesting habitat for some species of migratory and otherwise-protected birds. Active bird nests are protected by the federal Migratory Bird Treaty Act and the California Department of Fish and Wildlife (CDFW). Breeding migratory birds could construct nests within the project area in trees or shrubs. A significant impact would consist of the mortality of adults or young (including abandonment of nest with eggs or young) and harassment of migratory birds during construction. The following mitigation measures would reduce this impact to less than significant.

Nesting Migratory Birds

Impact Bio-1: Removal of trees, as is proposed with the project, or the undertaking of construction activities around them could result in the abandonment of nesting efforts of migratory and/or otherwise-protected birds. Site development during nesting season (February 1 through August 31) could result in the abandonment of an active nest. The mortality of individuals that may result would constitute a significant adverse impact of the project.

Mitigation Measure: Implementation of Mitigation Measure Bio-1, below, would reduce impacts to any nesting birds to a less-than-significant level. [Less than Significant with Mitigation Incorporated]

MM Bio-1: Pre-Construction Surveys. If project-related activities are scheduled to occur during the nesting season (February 1 through August 31 for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of any project-related activities. If a lapse in the project related work of 15 days or longer occurs during the nesting season, another focused survey shall be required before project work can be reinitiated. If an active nest is found, the permittee (applicant or developer) shall establish a buffer area that surrounds the nest location. The width of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.

The area of the site where the proposed project will occur does not constitute a movement corridor for native wildlife. Creeks and riparian habitat are absent from the project site. Site development will have little effect on home range and dispersal movements of native wildlife moving through the site, as the site is fenced and provides minimal, if any, suitable habitat. Therefore, this project will result in a less than significant effect on regional wildlife movements.

e-f) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project is required to conform to the City of Fremont's Tree Preservation Ordinance and Storm Water Management and Discharge Control Ordinance. The applicant will be responsible for conforming to these two ordinance requirements and applying for any necessary permits. Adherence to Ordinance requirements would reduce potential impacts to less than significant.

A Tree Inventory Report and Tree Assessment (*Tree Study*) were prepared for the property by Hort Science in May 2015, which identified 18 trees, including 10 trees on the project site and 8 street trees along the proposed project's frontage that are of a size and species subject to the tree removal mitigation requirements of the City of Fremont Tree Preservation Ordinance. Five trees will be preserved in place. One street tree on Chapel Way will be relocated to a new tree well. The other 12 trees would be removed to facilitate the development of the proposed project.

The removal of protected trees is subject to requirements involving the planting of replacement trees or the payment of in-lieu fees to mitigate the removal of trees that cannot be replaced on-site due to land area constraints, in accordance with the mitigation requirements of the City's Tree Preservation Ordinance. The proposed project would include the planting of approximately 99 trees on the project site and eight street trees (not including an existing street tree that will be transplanted on Chapel Way). Three street trees will be planted along Fremont Boulevard and five street trees will be planted along Chapel Way.

As a condition of project approval, the applicant will be required to adhere to the Tree Preservation Guidelines outlined in the *Tree Inventory Report*, including those prohibiting work within a designated tree protection zone at or beyond the drip lines of trees to be preserved, which would further reduce potential impacts to trees from development.

There are no draft or adopted Habitat Conservation Plans for the project area at this time.

Potential Impact: Less than Significant
Mitigation: None Required.

V. CULTURAL RESOURCES

This discussion is based in part on the *Cultural Resources Study for the Connolly Center* (*Cultural Resources Study*), prepared by LSA Associates, Inc., dated September 2015.

Environmental Setting

The project site is located in the city of Fremont within Section 34 of Township 4 South/Range 1 West, Mount Diablo Base Line and Meridian, at an elevation of 54 feet above mean sea level, as depicted on the accompanying portion of the United States Geological Survey (USGS) Niles, Calif., 7.5-minute topographic map. The project site is bounded by Fremont Boulevard to the south, Chapel Way to the east, and residential housing to the north and west.

Regulatory Framework

State and local regulations that pertain to the proposed project related to cultural resources include:

- City of Fremont General Plan Land Use Chapter (Historic Resources)
- Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012), Section 18.175 Historic Resources

Environmental Checklist
Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X	1, 28, 29, B
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 11, 28, 29, B
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			1, 11, 28, 29, B
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X			1, 11, 28, 29, B

Discussion/Conclusion/Mitigation

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

The proposed project site contains a commercial shopping center with three existing buildings to be demolished as part of the project. None of these buildings have been identified as historical resources as defined in §15064.5.

Potential Impact: No Impact
Mitigation: None

b-d) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Would the project disturb any human remains, including those interred outside of formal cemeteries?

The project will largely be constructed in disturbed soils due to prior grading and paving to create the parking area and building pads for the existing shopping center. Excavation related to the removal of existing concrete slabs and associated foundations, removal of asphalt, and grading and flattening of the site to facilitate the proposed project would be approximately 2 feet in depth. Excavation up to approximately 10 feet in depth would be necessary to install the sanitary sewer system for the proposed project.

As discussed in the *Cultural Resources Study*, two records searches were conducted for the project site: (1) on July 8, 2015, the Northwest Information Center (NWIC) of the California Historical Resources Information System conducted a records search (File No. 14-1711) of the project site and a 0.5-mile radius; (2) on August 18, 2015, LSA architectural historian Angelique Theriot conducted a records search (File No. 15-0303) of the project site and a 1,500-foot radius. The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official state repository of cultural resource records and reports for Alameda County. The record searches included a review of the following federal and state inventories:

- Directory of Properties in the Historic Property Data File (California Office of Historic Preservation April 5, 2012). The directory includes the listings of the National Register of

Historic Places, National Historic Landmarks, the California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest;
- *California Historical Landmarks* (California Office of Historic Preservation 1996);
- *California Points of Historical Interest* (California Office of Historic Preservation 1992);
- Five Views: An Ethnic Historic Site Survey for California (California Office of Historic Preservation 1988); and
- *California Inventory of Historic Resources* (California Department of Parks and Recreation 1976).

The records searches did not identify any previously documented cultural resources in the project site. However, in its July 8, 2015 records search results letter, the NWIC noted that the environmental setting of the site within an alluvial fan is similar to settings where Native American resources have been found elsewhere in Alameda County. The NWIC also stated that a review of 1908 and 1932 Sanborn fire insurance maps indicated that there was a moderate potential of identifying unrecorded historic-period archaeological resources in the project site.

Native American Tribal Resources

On August 16, 2015, LSA sent a letter via facsimile to the Native American Heritage Commission (NAHC) requesting a review of its Sacred Lands File for any Native American cultural resources that might be affected by the proposed project. The NAHC is the official State repository of Native American sacred site location records. In an email dated August 31, 2015 to LSA, NAHC staff informed LSA that a records search of the Sacred Lands File did not "indicate the presence of Native American cultural resources in the immediate project area."

Additionally, in accordance with AB52, notice of the proposed project was sent to California Native American Tribes to allow early consultation. No requests for such consultation were received by the City.

Pedestrian Field Review

LSA archaeologist John Kelley, M.A., RPA #11840, conducted a pedestrian field review of the project site on September 1, 2015. No cultural resources were noted during the survey.

Historical Architectural Review

City Planning staff, in coordination with an historical resources expert employed by the City, evaluated the three existing buildings on the project site in June 2015. The buildings 40744 Fremont Boulevard were built in 1955 and the building at 40733 Chapel Way was built in 1969. The evaluation found that the buildings on both properties lack architectural significance and are unlikely to possess possible future historical significance and may be demolished without adverse impact.

Conclusion

As discussed in the *Cultural Resources Study*, there is a high potential for Native American archaeological cultural resources and a moderate potential for historic-period archaeological cultural resources in the project site. The following mitigation measures would ensure the project would avoid or substantially reduce impacts from ground disturbance to archaeological deposits, human remains, paleontological resources during construction, and Native American archaeological cultural resources.

Potential Impact Cult-1: Construction of the proposed project could result in impacts to archaeological, cultural, paleontological, Native American, or historic-period resources or human remains at the project site. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Although there is no indication that archaeological, cultural, paleontological, Native American, or historic-period resources or human remains are present on the site or in the immediate vicinity, there is always a possibility that unknown resources could be discovered during project construction. Implementing the following measures would reduce Impact Cult-1 to a less than significant level:

MM Cult-1.1: Preconstruction Testing. Because there is a high potential for Native American archaeological cultural resources and a moderate potential for historic-period archaeological cultural resources in the project site, a limited program of presence/absence backhoe "pot holing" (one day duration) shall be conducted by an archaeologist after the removal of existing buildings to identify any archaeological deposits that may be present on the project site. The investigation shall be done in sampling locations in selected areas within the project site to anticipated maximum depth of excavation. A report of findings shall be prepared to document the results of the survey and presence/absence excavations. The report shall be submitted to the Alameda County and the Northwest Information Center. Impacts to archaeological deposits shall be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their California Register eligibility, under the direction of a qualified professional archaeologist, to determine if they qualify as a historical resource under CEQA. If the deposit is not eligible, a determination shall be made as to whether it qualifies as a "unique archaeological resource" under CEQA. If the deposit is neither a historical nor unique archaeological resource, avoidance is not necessary. If the deposit is eligible for the California Register, or is a unique archaeological resource, it shall be avoided by project actions that may result in impacts, or such impacts must be mitigated. Mitigation may consist of, but is not limited to, recording the resource; recovery and analysis of archaeological deposits; preparation of a report of findings; and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate.

MM Cult-1.2: Accidental Discovery. If deposits of prehistoric or historic-period archaeological materials are encountered during project activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist shall be contacted to assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. The project proponent shall also be notified. project personnel shall not collect or move any archaeological materials or human remains and associated materials.

Impacts to archaeological deposits shall be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their California Register eligibility, under the direction of a qualified professional archaeologist, to determine if they qualify as a historical resource under CEQA. If the deposit is not eligible, a determination shall be made as to whether it qualifies as a "unique archaeological resource" under CEQA. If the deposit is neither a historical nor unique archaeological resource, avoidance is not necessary. If the deposit is eligible for the California Register, or is a unique archaeological resource, it shall be avoided by project actions that may result in impacts, or such impacts must be

mitigated. Mitigation may consist of, but is not limited to, recording the resource; recovery and analysis of archaeological deposits; preparation of a report of findings; and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results of the investigation, and provide recommendations for the treatment of the archaeological materials discovered. The report should be submitted to the client and the Northwest Information Center.

Prehistoric materials can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite tool-making debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Prehistoric sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse.

MM Cult-1.3: Human Remains. If human remains are encountered during project activities, work within 50 feet of the discovery shall be redirected and the Alameda County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. The project proponent shall also be notified. project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to Alameda County and the Northwest Information Center.

MM Cult-1.4: Discovery of Paleontological Resources. In the event of the discovery of Paleontological resources during construction or demolition, there shall be no further excavation or disturbance of the site within a 50 foot radius of the location of such discovery until it can be evaluated by a qualified archeologist or paleontologist. Work shall not continue until the archeologist or paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

VI. GEOLOGY AND SOILS

Environmental Setting

The City of Fremont is subject to fault rupture and related seismic shaking from several faults in the area. According to the 2004 State of Geologic and Seismic Hazard Zones map, the project site is not located in an area susceptible to earthquake-induced landslide or liquefaction. However, as with any land in the San Francisco Bay Area, the project site could be subject to strong shaking during a major seismic event.

The proposed project would include the excavation of existing buildings, concrete slabs and associated foundations, and the removal of asphalt, as well as the removal of soil to create a flat building surface and facilitate effective drainage of stormwater to proposed bioretention areas. In total, approximately 9,000 cubic yards of material would be exported from the site to facilitate the proposed project, including approximately 5,000 cubic yards of construction debris and approximately 4,000 cubic yards of soil.

Maximum cuts and fills at the site would be approximately 2 feet in depth. Excavation to create the proposed stormwater bio-retention areas would be up to approximately 2 feet in depth. The greatest depth of excavation within the project area would be approximately 10 feet in depth, to install the sanitary sewer system.

Regulatory Framework

State and local regulations that pertain to the proposed project related to geology and soils include:

- City of Fremont General Plan Safety Chapter (Seismic and Geologic Hazards)
- City of Fremont Municipal Code (Building Safety)
- California Building Code (2013)

Environmental Checklist

Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	1, 5, 6
	ii) Strong seismic ground shaking?			X		1, 5, 6
	iii) Seismic-related ground failure, including liquefaction?			X		1, 5, 6
	iv) Landslides?			X		1, 5, 6
b.	Result in substantial soil erosion or the loss of topsoil?				X	1, 5, 6, 8
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?			X		1, 5, 6
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?			X		1, 5, 6

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	N/A

Discussion/Conclusion/Mitigation

a-e) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving a major seismic event? Would the project result in substantial soil erosion or the loss of topsoil? Would the project be located on a geologic unit or soil that is unstable or would become unstable as a result of the project, and potentially result in on-site or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? Would the project be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property?

According to the 2004 California State Geologic and Seismic Hazard Zones maps, the project site is not located in an area susceptible to earthquake-induced landslide or liquefaction. However, as with any new project constructed in the San Francisco Bay Area, the development could be subject to strong ground shaking during a major seismic event.

Geotechnical Plan Review and Geotechnical Field Inspection will be performed for the proposed project. Both are standard requirements for a project such as that proposed and are, therefore, not mitigation measures. Both standard project requirements will be incorporated into the Conditions of Approval for the proposed project. Based on the results of the geotechnical study, the proposed project would not create significant impacts related to Geology and Soils.

Standard Project Requirements

1. Geotechnical Plan Review. The project Geotechnical Consultant shall review all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements, and design parameters for foundations, and retaining walls). The consultant shall verify that their recommendations have been properly incorporated into the construction plans. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the City Engineer prior to issuance of building permits.

2. Geotechnical Field Inspection. The project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project shall be summarized by the project Geotechnical Consultant in a letter and submitted to the City Building Official /City Engineer for review prior to final (as-built) project approval.

All grading, foundations, and structures for the proposed project are required to be engineered and designed in conformance with applicable geotechnical and soil stability standards as required by the 2013 California Building Code (CBC). Conformance to the applicable 2013 CBC

standards will reduce safety impacts to the structures, their occupants, and the adjacent properties to a less-than-significant level.

Furthermore, an erosion control plan will be required with plans submitted for grading and/or building permits to ensure that the project will not result in substantial soil erosion or loss of topsoil during grading and construction activities. As such, impacts associated with geology and soils will be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None Required

VII. GREENHOUSE GAS EMISSIONS –

Environmental Setting

With the passage of the Global Warming Solutions Act of 2006 (Assembly Bill 32), the State of California acknowledged the role of greenhouse gases (GHG) in global warming and took action to reduce GHG emission levels. AB 32 set a Statewide goal of reducing GHG emissions to 1990 levels by the year 2020. In doing so, it contemplated economic expansion and growth of population to 44 million people by 2020. It also called for the State's Air Resources Board (CARB) to prepare a Scoping Plan encompassing all major sectors of GHG emissions for achieving reductions consistent with AB 32's goals. The Scoping Plan, adopted in December 2008, creates an overarching framework for meeting the GHG reduction goal of returning to 1990 emissions levels by 2020.

GHG emissions analysis uses carbon dioxide equivalents (CO2e), measured in metric tons, to adjust for the different warming potential of a wide range of greenhouse gases, not just exclusively CO2. The State 2005 GHG emission inventory was 479 million metrics tons of CO2e. CARB projected that under business-as-usual conditions (no reduction effort) GHG emissions would grow to 596.4 million metric tons of CO2e by the year 2020. According to the Scoping Plan, reducing GHG emissions to 1990 levels requires cutting approximately 30 percent from the business-as-usual emission levels projected for 2020, or about 15 percent from 2010 levels. The target amount for the 2020 goal is an emission level of no more than 427 million metric tons of CO2e (the 1990 levels). On a per capita basis, this means reducing current annual emissions of 14 tons of CO2e for every person in California down to about 10 tons per person by 2020. The City of Fremont GHG emission inventory estimate for 2010 was 1.99 million metric tons with a service population of jobs and residents of 304,489.

Regulatory Framework

State and local regulations that pertain to the proposed project related to GHG emissions include:

- City of Fremont General Plan Sustainability and Conservation Chapters
- State Assembly Bill (AB) 32
- California Green Building Code (Mandatory)

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 8, 21, 22, 23
b.	Conflict with any applicable plan, policy or regulation of an				X	1, 3,

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
	agency adopted for the purpose of reducing the emissions of greenhouse gases?					8, 21, 22, 23

Discussion/Conclusion/Mitigation

a-b) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Because of the broad context and setting of the potential impacts of contributing to global climate change, the assessment of project-level emissions looks at whether a project's emissions would significantly affect the ability of the State to reach its AB 32 goals. This is identified within the City's General Plan Conservation Chapter and certified Environmental Impact Report (EIR) as the context for reviewing project effects and global climate changes. The General Plan EIR established analysis considering the projected increase in emissions from new growth through the year 2020. As shown in the table below, the project attributes of the proposed residential project are below the screening criteria established by the BAAQMD as a conservative estimate as to whether a project would exceed the 1,100 MT of CO2e/year threshold of significance for projects other than stationary sources.

Table: Criteria Air Pollutants and Precursors and GHG Screening Level Sizes

Land Use	Operational Criteria Pollutant Screening Size	Operational GHG Screening Size	Construction Related Screening Size
Condo/townhouse, general	451 du (ROG)	78 du	240 du (ROG)
>>Proposed Project	67 du	67 du	67 du

Project construction could generate GHG emissions resulting from construction equipment and grading and paving activities. However, no significant soil export is expected to occur that would involve extensive transport. As previously discussed in the Air Quality section of this Initial Study, approximately 9,000 cubic yards of soil would be exported from the project area, which is below the 10,000 cubic yard volume criteria suggested by the BAAQMD as resulting in a significant impact. Implementation of Mitigation Measure AIR-1 would reduce construction related impacts. Additionally, the project would also implement Best Management Practices, such as the recycling of construction materials in compliance with the City's waste diversion ordinance. As a result, impacts related to GHG emissions would be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required

VIII. HAZARDS AND HAZARDOUS MATERIALS –

This discussion is based in part on the following documents:

- *Phase I – Environmental Site Assessment (2015)*, prepared by The Consulting Group, dated August 2015

- *Phase I – Environmental Site Assessment (2013),* prepared by ENGEO, dated October 2013
- *Phase II – Environmental Site Assessment,* prepared by ENGEO, revised March 2015

Environmental Setting

The proposed project site currently serves as a commercial shopping center. As discussed in *Phase I – Environmental Site Assessment (2013),* review of historical records indicates that the subject property has been developed since the late 1950s. Prior to commercial development, the land use on the subject property involved agricultural activities including orchards. A former gasoline service station operated on the lot adjacent to the southwest of the proposed project site (40648 Fremont Boulevard). A leaking underground storage tank (LUST) case is associated with the service station site. Site characterization including soil and groundwater sampling identified localized total petroleum hydrocarbon impacts in soil, but not in groundwater. The site received formal case closure from the California Regional Water Quality Control Board (CRWQB) in March 2010. An automotive service shop (tire store, brake alignment, smog check) currently operates at the former service station site.

A former drycleaner located southwest of the subject property at 40645 Fremont Boulevard has ongoing site characterization activities. Due to past drycleaner activities, groundwater and soil gas is impacted with chlorinated solvents, primarily tetrachloroethylene (PCE) and 1,1,1-trichloroethane (TCA). As discussed in *Phase I – Environmental Site Assessment (2013),* the impacts appear to be contained around the former drycleaner unit and have not impacted the subject property. As discussed in the *Phase I – Environmental Site Assessment (2013),* site reconnaissance and records review did not find documentation or physical evidence of soil or groundwater impairments associated with the use or past use of the Property. A review of regulatory databases maintained by county, state, tribal, and federal agencies found no documentation of hazardous materials violations or discharge on the Property and did not identify contaminated facilities within the appropriate American Society for Testing and Materials (ASTM) search distances that would reasonably be expected to impact the Property. Based on the findings of this assessment, no Recognized Environmental Conditions (RECs) and no historical RECs were identified for the Property. A separate *Phase I – Environmental Site Assessment (2015),* prepared by The Consulting Group, dated August 2015, also concluded there are no RECs, Controlled Recognized Environmental Conditions (CRECs) or Historical Recognized Environmental Conditions (HRECs), on the subject property.

Regulatory Framework

Hazardous waste generators and hazardous materials users in the City are required to comply with regulations enforced by several federal, state, and county agencies. The regulations are designed to reduce the risk associated with the human exposure to hazardous materials and minimize adverse environmental effects. State and federal construction worker health and safety regulations require protective measures during construction activities where workers may be exposed to asbestos, lead, and/or other hazardous materials.

The routine management of hazardous materials in California is administered under the Unified Program. The Fremont Fire Department acts as the Certified Unified Program Agency (CUPA), an administrative agency that coordinates and enforces numerous local, State, Federal hazardous materials management and environmental protection programs for hazardous material users city-wide, including:

- Hazardous Materials Business Plan Program
- Hazardous Waste Generator Program
- Underground Storage Tank Program
- California Accidental Release Program
- Tiered Permitting Program
- Aboveground Storage Tank Program

State and local regulations that pertain to the proposed project related to hazards and hazardous materials include:

- City of Fremont General Plan Land Use and Safety Chapters
- City of Fremont Fire Code
- Department of Toxic and Substances Control (DTSC) Hazardous Waste and Substances Site List

Environmental Checklist
Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 6, 7
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			1, 6, 7, C, D, E
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		X			1, 3, C, D, E
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 18, C, D, E
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 6, 7
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	30

Discussion/Conclusion/Mitigation

a-b) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The proposed project would include the excavation of existing buildings, concrete slabs and

associated foundations, and the removal of asphalt, as well as the removal of soil to create a flat building surface and facilitate effective drainage of stormwater to proposed bioretention areas. In total, approximately 9,000 cubic yards of material would be exported from the site to facilitate the proposed project, including approximately 5,000 cubic yards of construction debris and approximately 4,000 cubic yards of soil. The Phase I Environmental Site Assessments (*Phase I – Environmental Site Assessment (2015)*, prepared by The Consulting Group, dated August 2015, and *Phase I – Environmental Site Assessment (2013)*, prepared by ENGEO, dated October 2013) concluded that no Recognized Environmental Conditions (RECs) and no historical RECs were identified for the Property. Nonhazardous soil to be exported would be taken to a facility that accepts Class III material, such as the Dumbarton Quarry (9600 Quarry Road, Fremont, CA). With the implementation of Mitigation Measure MM Air-1, potential impacts related to the transport of this soil, such as fugitive dust, would be reduced to less than significant.

Recommendations from the *Phase I – Environmental Site Assessment (2013)*, prepared by ENGEO, dated October 2013, include the following:

- Given past agricultural land use on the Property, an agrichemical assessment should be performed to determine if residual concentrations of pesticides and pesticide-related constituents remain in site soils that could impact planned residential redevelopment.
- Potential sources for vapor intrusion exist within close proximity to the Property. While it does not appear vapor intrusion is an issue for redevelopment, a soil gas assessment should be considered for the Property.
- Given the age of the existing structure, it is conceivable that asbestos-containing materials and lead-based paint materials may exist within the structures. It would be prudent to perform an asbestos-containing materials and lead-based paint materials survey to determine if special actions are required prior to demolition.
- An environmental professional should be onsite during demolition and grading activities in the event unforeseen impacts are encountered during redevelopment activities.

As discussed in the *Phase II – Environmental Site Assessment*, prepared by ENGEO, revised March 2015, soil sampling for Volatile Organic Compounds (VOCs), pesticides, and petroleum hydrocarbons was conducted, to address the recommendations in the Phase I ESA. The sampling analysis yielded concentrations below applicable residential screening levels established by the Environmental Protection Agency (EPA) Region 9 Regional Screening Levels and California Environmental Protection Agency (Cal/EPA) with the exception of one sample at a 1 foot (depth), which reported lead and motor oil above screening levels. However, the subsequent deeper sample collected at 2 feet (depth) reported lead and motor oil well below applicable screening levels, such that the Phase II ESA concluded that the impact is limited to the upper 2 feet of soil. The concentrations found at the 1 foot (depth) are similar to levels associated with asphalt in paved parking areas. To ensure compliance with applicable environmental standards for material handling and demolition, an environmental professional (such as an environmental engineer, geologist, or technician) shall be required to be onsite during demolition and grading activities for the proposed project. Soil gas sampling for potential vapor intrusion was also conducted and found in concentrations below applicable screening levels. The *Phase II – Environmental Site Assessment* concluded that vapor intrusion is not a concern at the subject property.

A separate Phase I ESA was prepared in August 2015 (*Phase I – Environmental Site Assessment (2015)*, prepared by The Consulting Group), which found no new concerns during site inspection or data review. The *Phase I – Environmental Site Assessment (2015)*, provides the following recommendations:

1. When the hydraulic elevator (in Connolly Furniture) is removed, during demolition, there is a requirement to close with the Fremont Fire Department (FFD) and to remove the hydraulic ram in the presence of Alameda County Water District (ACWD) and FFD. A liquid sample from any oil recovered from the ram needs to be collected and analyzed, prior to disposal for analysis of Poly-Chlorinated Biphenyls (PCBs). At least one soil sample needs to be collected from the bottom of the ram excavation for analysis of PCBs and Diesel Range Organics (DRO) and Hydraulic Oil Range Organics (HORO). A Workplan, prior to activity, and Closure Report, after everything is completed, needs to be prepared for approval of this scope of work and its results.
2. During any building renovation or demolition activities, we recommend:
    a. Following all Asbestos-Containing Materials (ACM), Lead-Based Paint (LBP) and Lead-Containing Materials (LCM) regulations and requirements with regard to identifying, handling, and disposal
    b. Following all HAZMAT regulations and requirements with regard to identification, characterization, waste and debris disposal, and recycling.

Potential Impact Haz-1:
Construction of the proposed project could result in impacts during disposal of hazardous materials. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: There may be PCBs, DRO, or HORO associated with the hydraulic elevator and ACM, LBP, and LCM associated with existing buildings. Implementation of the following measures will ensure hazardous materials, if found, are properly handled and disposed so that Impact HAZ-1 would be reduced to a less than significant level:

MM Haz-1.1: Hydraulic Elevator Removal. Prior to demolition of the hydraulic elevator (currently located in the Connolly Furniture tenant space), the project proponent shall coordinate with Fremont Fire Department (FFD) and Alameda County Water District (ACWD) and comply with all closure requirements. The hydraulic ram shall only be removed in the presence of ACWD and FFD. A liquid sample from any oil recovered from the ram shall be collected and analyzed, prior to disposal for analysis of Poly-Chlorinated Biphenyls (PCBs). At least one soil sample shall be collected from the bottom of the ram excavation for analysis of PCBs and Diesel Range Organics (DRO) and Hydraulic Oil Range Organics (HORO). A Workplan, prior to demolition activity, and a Closure Report, after removal of the elevator is completed, shall be prepared for approval by FFD and ACWD.

MM Haz-1.2: Building Demolition. During building renovation or demolition activities, the project proponent shall follow and implement:

1. All Asbestos-Containing Materials (ACM), Lead-Based Paint (LBP) and Lead-Containing Materials (LCM) regulations and requirements with regard to identifying, handling, and disposal.
2. All HAZMAT regulations and requirements with regard to identification, characterization, waste and debris disposal, and recycling.

MM Haz-1.3: Environmental Professional (Onsite). An environmental professional (such as an environmental engineer, geologist, or technician) shall be onsite during demolition and grading activities to ensure compliance with applicable

environmental standards in the event unforeseen impacts are encountered during redevelopment activities.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The school nearest the proposed project site is Seneca Center (Pathfinder Academy), a non-public school with youth therapy services that serves up to 45 students in grades 6-12, which is located approximately 0.18 miles away at 40950 Chapel Way. The nearest public school is Horner Junior High School, which is located approximately 0.3 miles away at 40292 Leslie Street. As previously discussed, the Environmental Site Assessments conducted for the proposed project found no RECs, CRECs, or HRECs, on the subject property. The proposed residential and live/work development would not involve the emission or handling of hazardous or acutely hazardous materials, substances, or waste.

Live/work units, as defined in FMC 18.25.1610 are subject to the provisions of FMC Chapter 18.190, which provides that businesses in live/work units shall "not involve the use of hazardous materials or produce medical or hazardous waste, except that de minimis amounts of essential hazardous materials will be subject to the review and approval of the Fremont fire department. Specific conditions, as well as permitting, disclosure, and periodic inspection requirements, will be a part of any approval granted. Classes of materials that are prohibited include: Class 1-A flammable liquids, pyrophoric, unstable, reactive, toxic, highly toxic, or explosive materials, including fireworks and small arms ammunition; flammable, combustible, corrosive or oxidizing solids, liquids and gases; organic peroxides and cryogens."

Potential Impact Haz-2: Construction of the proposed project could result in impacts related to handling of hazardous material within one-quarter mile of an existing school. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Implementing the following measures would reduce Impact Haz-2 to a less than significant level:

Mitigation: MM Haz-1.1, MM Haz-1.2, and MM Haz-1.3 (described above)

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The project site is not listed on the Department of Toxic Substance Control's Hazardous Waste and Substances Site List (Cortese List) and would not create a significant hazard to the public or the environment. Thus, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

e-f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The project site is not located within an airport land use plan nor are there any public or private airports within City limits. Thus, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

g-h) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The City of Fremont's Disaster Management Operations Plan (DMOP) was developed in compliance with State requirements and also meets the requirements of the Federal Emergency Management Agency, (FEMA) as the City's local hazard mitigation plan. Fremont's DMOP provides policies and procedures for the evacuation, dispersal, or relocation of people from hazardous areas during disasters to less threatened areas. The plan also describes the organization and responsibilities for conducting movement operations. The need for evacuation routes and the appropriate routes will vary for each type of disaster. The proposed project would be located on a previously developed site and would not impair or interfere with the adopted emergency response or emergency evacuation plan.

The proposed project site is not located in a Fire Hazard Area and would not expose people or structures to significant risk involving wildland fires.

Potential Impact: No Impact
Mitigation: None Required

IX. HYDROLOGY AND WATER QUALITY –

Environmental Setting

The proposed project site which currently serves as a shopping center is approximately 3.7 acres in size. Currently, there are no stormwater management facilities on the site and runoff drains primarily to the City's storm sewer system via the gutters adjacent to the site along Fremont Boulevard and Chapel Way. The site is flat with an elevation of approximately 54 feet above sea level. The proposed project would include the excavation of existing buildings, concrete slabs and associated foundations, and the removal of asphalt, as well as the removal of soil to create a flat building surface and facilitate effective drainage of stormwater to proposed bioretention areas. In total, approximately 9,000 cubic yards of material would be exported from the site to facilitate the proposed project, including approximately 5,000 cubic yards of construction debris and approximately 4,000 cubic yards of soil. Upon completion of site preparation and final grading, the installation of streets, sidewalks, and utilities, the construction of the new residences would be completed over an approximately 30-month period.

Regulatory Framework
Federal, state and local regulations that pertain to the proposed project related to hydrology and water quality include:

- City of Fremont General Plan Conservation Chapter (Water Quality)
- California Regional Water Quality Control Board, San Francisco Bay Region, Alameda Countywide National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater

Permit, Order R2-2003-0021, National Pollution Discharge Elimination System Permit No. CAS00229831(NPDES C.3)

- Federal Clean Water Act 1987

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Violate any water quality standards or waste discharge requirements?				X	1, 6, 8, 14, 15, 16
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	1, 6, 8, 14, 15, 16
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X		1, 6, 8, 14, 15, 16
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X		1, 6, 8, 14, 15, 16
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X		1, 6, 8, 14, 15, 16
f.	Otherwise substantially degrade water quality?			X		1, 6, 8, 14, 15, 16
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	N/A
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	1, 6, 17
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 6, 8, 17
j.	Inundation by seiche, tsunami, or mudflow?				X	1, 6, 8, 17

Discussion/Conclusion/Mitigation

a-c, f) Would the project violate any water quality standards or waste discharge requirements? Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Would the project otherwise substantially degrade water quality?

The existing site is approximately 98% covered with impervious surfaces, including buildings and paved parking area. The existing impervious area is approximately 158,000 square feet whereas the proposed project would have approximately 126,000 square feet of impervious surfaces, a total decrease of approximately 32,000 square feet.

The proposed project would require grading, excavation, and vegetation removal, thereby resulting in the project site becoming vulnerable to erosion. Eroded soil is generally carried as sediment in surface runoff to be deposited in natural creek/river beds, canals, and adjacent waters, though there are no creek beds or waters adjacent to the site. The applicant will be required to develop an erosion control plan as a condition of approval. The applicant must also comply with standard erosion control measures that employ best management practices (BMPs), develop a Stormwater Pollution Prevention Plan (SWPPP) per State Water Quality Control Board Stormwater Permit requirements, and conform with the City of Fremont's Storm Water Management and Discharge Control Municipal Code, Title VII, Chapter 11. Implementation of the above listed requirements and conditions would reduce impacts to downstream waters from erosion and polluted stormwater runoff to a less than significant level.

Because the project would create in excess of 10,000 square feet of impervious surface area, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulate the treatment of stormwater runoff on the site. As such, the project would be required to incorporate low impact development (LID) techniques to treat stormwater runoff from all on-site impervious surfaces on site before it is discharged into the public storm drain system.

The project would be designed in compliance with C.3 requirements and construction would be done in conformance with the California State Water Board Construction General Permit and Best Management Practices provided in the CASQA Construction BMP Handbook and, as such, no water quality or groundwater impacts would result.

Potential Impact: Less Than Significant
Mitigation: None Required

d-e) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The proposed project would not substantially alter existing drainage patterns or result in the alteration of the course of any water body. As previously discussed, the amount of impervious

surface on site would decrease by approximately 32,000 square feet with the conversion of the site from its existing shopping center use to a multi-family residential use with unpaved common open space and landscaped areas.

Drainage from the project would be directed into several bio-retention and landscape-based treatment areas located throughout the development (see response to questions IX, a-c and f, above), and ultimately discharge into the public storm drain system via a new, underground piped system that would be constructed on site. Thus, no impact would result.

Potential Impact: Less Than Significant
Mitigation: None Required

g-j) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Inundation by seiche, tsunami, or mudflow?

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0462G, effective August 3, 2009. According to this FIRM, the project site is located within Special Flood Hazard Zone A. However, per the approved Letter of Map Revision Case No. 09-09-0112P, effective date February 16, 2010, the project site was removed from Zone A and now has a current designation of Zone X (Unshaded) and is, therefore, outside of the 100-year flood zone. The project site is also not situated within a Special Flood Hazard Area or an area that would be subject to inundation as a result of failure of a dam, levee, or reservoir. As such, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

X. LAND USE AND PLANNING

This discussion is based in part on the *Irvington District Land Use Study*, dated August 2014, by Greensfelder Commercial Real Estate LLC.

Environmental Setting
The proposed project includes a General Plan Amendment (from Commercial – General to Medium-Density Residential (14.6 to 29.9 units per net acre)), a Rezoning (from TC-T(I) Town Center Transitional District (Irvington) to R-3-18 Multifamily Residence District, Vesting Tentative Tract Map #8261, Preliminary Grading Plan, Private Street, Design Review, a Conditional Use Permit (to allow live/work units) and the demolition of existing structures and construction of approximately 56 attached townhouse residential units and 11 attached live/work units on an approximately 3.73 acre site at 40744 Fremont Blvd (APN 525-701-18-7) and 40733 Chapel Way (APN 525-701-15-18) in the Irvington Community Plan Area.

To the west of the proposed project site is a vehicle service and tire shop use on a lot with a General Plan Land Use designation of Commercial - General. To the northwest, north, and northeast of the proposed project site are single-story, single-family homes with a General Plan Land Use designation of Low Density Residential (2.3 - 8.7 units per net acre) and a multi-family residence that fronts onto Max Drive

(40785 Max Drive), which also has a General Plan Land Use designation of Low Density Residential (2.3 - 8.7 units per net acre). To the east of the project site, across Chapel Way, is City of Fremont Fire Station No. 3 with a designation of Public Facility and, to the south of that, a three-story, multi-family development designated Medium Density Residential (14.6 – 29.9 units per net acre). To the southeast of and adjacent to the proposed project site, at the northeastern corner of Fremont Boulevard and Chapel Way, are several retail and restaurant uses on land with a General Plan designation of Commercial – General. To the south of the proposed project site, across Fremont Boulevard, is a small commercial center with a designation of Commercial – General, a single-family house with a designation of Commercial – General, and a multifamily development (Sequoia Manor) with a designation of Medium Density Residential (14.6 – 29.9 units per net acre).

Regulatory Framework

State and local regulations that pertain to the proposed project related to land use and planning include:

- City of Fremont General Plan Land Use and Community Character Chapters
- Habitat Conservation Programs, California Department of Fish and Wildlife

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Physically divide an established community?				X	1, 2, 3, 8
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		1, 2, 3, 8
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	1, 2, 3, 8

Discussion/Conclusion/Mitigation

a-c) Would the project physically divide an established community? Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The proposed site currently serves as a commercial shopping center and includes three buildings and a large parking area for various retail, restaurant, and service uses. The property owner (Irvington Enterprises) plans to relocate their business, a furniture store (Connolly's Furniture) that is currently the largest store in the shopping center, and, in partnership with Warmington Residential CA, Inc., has filed a development application seeking approval of a proposed project to convert the site from a commercial to a primarily residential use with townhouses and live/work units. To allow the proposed use, a General Plan Amendment to change the land use designation for the site from Commercial – General to Medium-Density Residential (14.6 to 29.9 units per net acre) would be required, as would a rezoning from TC-T(I) Town Center Transitional District (Irvington) to R-3-18 Multifamily Residence District.

The project applicant submitted a Preliminary Review Procedure (PRP) application in July 2013 seeking input on a residential project on the subject property. The preliminary proposal was taken before the Planning Commission and the City Council, for comment. On November 14, 2013, the Planning Commission considered the potential change to the land use designation of the subject properties and recommended that City Council support consideration of a potential General Plan Amendment. On January 14, 2014, the City Council considered the Planning Commission's recommendation and decided that additional analysis was necessary to study the proposed conversion of the two properties in the context of the larger Irvington commercial service area. Subsequent to a Request for Proposals, Greensfelder Commercial Real Estate LLC was selected to conduct the *Irvington District Land Use Study*. The study, which is described in more detail below, concluded that the Connolly Center site is well-suited for redevelopment into a residential or mixed-use project. The results of the Irvington District Land Use Study were presented to the City Council on November 18, 2014. After discussion, the City Council voted 4 - 1 to support consideration of the proposed land use change through a formal application, should the applicant decide to submit one in the future. No decision to approve or deny the proposed project and no formal actions were taken at the Planning Commission or City Council meetings.

General Plan Conformance

The General Plan land use designation for the project site is General Commercial, which allows commercial or mixed-use (commercial/residential) development but not a solely residential project. General Plan policies, including Land Use Policy 2-4.6, however, are supportive of the redevelopment of older shopping centers that are no longer viable.

> **Land Use Policy 2-4.6: Conversion of Older Shopping Centers and Commercial Uses** – Support the adaptive reuse, renovation, or redevelopment of older shopping centers or commercial uses that are no longer viable due to changing market conditions, demographics, or retail trends. Such reuse or redevelopment should be planned to help sustain other retail centers in the City, provide opportunities for more intense housing and civic or group assembly uses while ensuring that residents continue to have convenient access to goods and services…recognize that some "pruning back" of existing retail space may be needed in Fremont. Some of the City's older shopping centers and commercial properties may be economically obsolete and may have difficulty competing with more contemporary centers. Yet these centers still serve as community focal points, providing affordable floor space, and goods and services to residents in nearby neighborhoods. Some centers could benefit from the introduction of new non-retail uses, such as public facilities, offices, services such as child care, and even housing to keep them viable. The City will support zoning regulations and other tools to facilitate economically productive use of all centers.

Irvington District Land Use Study:

The *Irvington District Land Use Study* provides a retail viability analysis for shopping areas in the Irvington District, describes the potential influence of a future Irvington BART station, and discusses opportunities and constraints for mixed-use projects. The study found that, with the exception of food and beverage establishments, Irvington District retail serves daily-needs whereas retail categories such as clothing, office supplies, pet needs and the like are generally located outside the Irvington District. The study described the existing shopping center on the proposed project site (Connolly Center) as centrally located in the Irvington District, but found the site is challenged by poor access and visibility due to its midblock location with a partial median along Fremont Boulevard and its lack of reciprocal access through adjacent properties to either Clough Avenue or Chapel Way. The study found on-site parking limited for a shopping

center of this size and that the adjacency of single-family residential homes on two sides exacerbates already difficult site attributes for a truly functional retail shopping center. The study also found that the design and configuration of the Connolly Center site and building is obsolete.

In looking at potential future uses of the Connolly Center site, the study found that, should Connolly's Furniture relocate, as was stated during the January 14, 2014 City Council meeting, those specialty retailers that could potentially replace the anchor tenant would likely choose another, better-located retail cluster in Irvington. The study concludes that the Connolly Center site is well-suited for redevelopment into a residential or mixed-use project, though retail mixed-use would be at a disadvantage due to the same access and visibility issues that hinder the site today. Should mixed-use be proposed, the study recommends that careful consideration be given to the amount of space devoted to retail, the sorts of uses that might occupy that space, and how a general lack of convenience would be overcome so that those retailers might have a chance of success.

Community Plans – Irvington

With respect to Fremont Boulevard in Irvington, page 11-94 of the Community Plans Chapter of the General Plan indicates that "during recent years, a number of former commercial properties on Fremont Boulevard have been redeveloped with apartments and condominiums. Similar opportunities may be available in the future. Such projects should be two to four stories in height, with parking placed in rear yards or garages. Where feasible, driveway access should be provided from side streets to minimize the number of curb cuts on Fremont Boulevard. Building design should create a more distinctive identity for Irvington, provide greater continuity along the Boulevard, and reinforce the perception of Five Corners as the heart of the community."

The *Irvington Community Plan* foresees opportunities for redevelopment of commercial properties with apartments and condominiums. Redesignating the proposed project site for residential use would be consistent with the *Irvington Community Plan*, as it would provide denser housing in close proximity to the center of the Irvington District, as represented by the Five Corners (the intersection of Fremont Boulevard, Bay Street, Washington Boulevard, and Union Street).

Summary

The proposed project would not introduce an incompatible land use to the area, as it would be a medium density residential project adjacent to low and medium density residential developments, as well as commercial uses. The density and characteristics of the proposed development are consistent and compatible with surrounding development, similar to the density of adjacent multifamily developments and providing a transition between the single family community to the west and north and the commercial areas to the southwest, east, and southeast.

The proposed project would not physically divide an established community, as the subject site is already fenced along the property lines shared with adjacent single-family homes, such that no access from those communities through the subject site currently exists. The proposed project includes the installation of a wall, six feet in height, along those same property lines, replacing the existing fence of chain link with wood slats. Access into and through the site from Fremont Boulevard and Chapel Way would be maintained, as the proposed project would include driveways and pedestrian paths that connect to each street.

The project would not conflict with any General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect. Furthermore, there are no habitat conservation or natural

community conservation plans adopted for the site. Therefore, no impacts on land use planning would result from the project, and no mitigation is required.

Potential Impact: No Impact
Mitigation: None Required

XI. MINERAL RESOURCES

Environmental Setting

There are six sectors within the City of Fremont designated by the State Mineral and Geology Board as areas with mineral resources. Several are in the East Hills area adjacent to public park lands and regional preserves, while one is west of I-880 in a designated industrial area adjacent to the San Francisco Bay National Wildlife Refuge. Others include the Niles Cone, the aquifer complex that provides much of the area's drinking water, and the former Dumbarton Quarry on the west side of Fremont, covering approximately 91 acres adjacent to Coyote Hills Regional Park on the north and the Dumbarton Bridge on the south. The project site is not located within or near any of the sectors discussed above.

Regulatory Framework

State and local regulations that pertain to the proposed project related to mineral resources include:

- City of Fremont General Plan Conservation Chapter
- Surface Mining and Reclamation Act (SMARA) 1975, California Department of Conservation

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	8

Discussion/Conclusion/Mitigation

a-b) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

According to local and state mineral resources maps, there are no known mineral resources of importance to the state or region on the site or within the surrounding area. Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

XII. NOISE

The following discussion is based in part on a *Noise Assessment*, dated October 16, 2015, by Illingworth & Rodkin, Inc.

Environmental Setting

The proposed project would be located on an approximately 3.73 acre site at 40744 Fremont Blvd (APN 525-701-18-7) and 40733 Chapel Way (APN 525-701-15-18) in the Irvington Community Plan Area. Primary access to the proposed development would be from driveways along Fremont Boulevard and Chapel Way. Adjacent to the project site along the western and northern property lines are single-family residences. A tire shop also borders the project site along the western boundary, and existing commercial/retail land uses are adjacent to the site along the eastern boundary.

The major noise source affecting the proposed project site is vehicular traffic along Fremont Boulevard. Additionally, a tire shop is adjacent to the southwest of the proposed project site, and a carwash is located east of the project site, on the opposite side of Chapel Way.

The City of Fremont General Plan classifies the segment of Fremont Boulevard in front of the proposed project site as a Primary Arterial. Per the General Plan, Primary Arterials are high capacity local facilities which meet the demand for longer, through trips within a community, with weekend traffic volume greater than 20,000 vehicles per day.

Regulatory Framework

State and local regulations that pertain to the proposed project related to noise include:

- City of Fremont General Plan Safety Chapter (Noise and Vibration)
- City of Fremont Municipal Code
- California Building Code (2013)

Environmental Checklist

Would the project result in:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X			1, 3, 9, G
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?		X			1, 3, 9, G
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3, 9, G
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			1, 3, 9, G
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A
f.	For a project within the vicinity of a private airstrip, would				X	N/A

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
	the project expose people residing or working in the project area to excessive noise levels?					

Discussion/Conclusion/Mitigation

a-c) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Exposure of persons to a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Noise Analysis: To quantify the existing noise environment at the project site, a noise monitoring survey was performed at the site beginning on Wednesday September 2, 2015 and concluding on Friday September 4, 2015. The monitoring survey included two long-term and three short-term noise measurements. The noise measurement locations were near the north, east, south, and west property lines of the proposed project site (shown in Figure 1 of the *Noise Assessment*).

As discussed in the *Noise Assessment*, the noise environment at the site and in the surrounding areas results primarily from vehicular traffic along Fremont Boulevard. Traffic along Chapel Way, as well as neighborhood traffic along surrounding residential roadways, also affects the ambient noise environment. Single-family residences are located adjacent to the project site to the north and to the west, and multi-family residences are located opposite Fremont Boulevard to the south of the site. Commercial retail and restaurant land uses are located adjacent to the project site to the east and opposite Fremont Boulevard to the south. Additionally, a tire shop is adjacent to the project site in the southwest corner, and a carwash is located opposite Chapel Way to the east.

Long-term noise measurement were made at two locations. One testing location (LT-1) was near the existing carwash, east of the project site, approximately 30 feet from the centerline of Chapel Way. Hourly average noise levels at this location typically ranged from 61 to 77 dBA Leq during the day, and from 49 to 65 dBA Leq at night. The day-night average noise level from Wednesday September 2, 2015 through Friday September 4, 2015 ranged from 68 to 69 dBA Ldn. Due to the carwash, which was approximately 40 feet from LT-1, typical maximum instantaneous noise levels were about 80 to 85 dBA Lmax during the measurement period, reaching 95 to 100 dBA Lmax. Another long-term noise testing location (LT-2) was located along the eastern boundary of the project site, adjoining existing commercial property. LT-2 was approximately 140 feet north of the centerline of Fremont Boulevard. Hourly average noise levels at this location typically ranged from 60 to 69 dBA Leq during the day, and from 51 to 63 dBA Leq at night. The day-night average noise level from Wednesday September 2, 2015 through Friday September 4, 2015 ranged from 65 to 66 dBA Ldn.

Short-term noise measurements, ST-1 and ST-2, were conducted on Wednesday September 2, 2015 in 10-minute intervals starting at 11:20 a.m. and concluding at 11:50 a.m. ST-3 was measured on Friday September 4, 2015 in a 10-minute interval starting at 1:40 p.m. ST-1 was made in the rear of the existing furniture store, approximately 165 feet east of the property wall. ST-2 was made near the existing tire shop adjacent to the project site along the western boundary of the site. ST-2 was approximately 160 feet north of the centerline of Fremont Boulevard and approximately 30 feet east of the property wall. During the ST-2 measurement period, air tools from the tire shop were audible and affected the levels shown in the *Noise Assessment*. ST-3 was

made along the southern boundary of the project site, approximately 60 feet north of the centerline of Fremont Boulevard. The 10-minute average noise levels ranged from 46 to 68 dBA Leq at these locations.

Exterior Noise Levels

The City General Plan states that exterior noise levels should not exceed a day-night average sound level (Ldn) of 60 decibels (dB) at backyards in single-family housing projects and recreation areas in multi-family housing projects; however, where an outdoor Ldn of 60 dB(A) or lower cannot be achieved after application of feasible mitigations, an Ldn of 65 dB(A) may be permitted at the discretion of the City Council.

As discussed in the *Noise Assessment*, the future noise environment at the project site would continue to result primarily from traffic along Fremont Boulevard. Based on the traffic study conducted for the General Plan EIR, with implementation of the development anticipated in the General Plan, traffic volumes along this segment of Fremont Boulevard are projected to increase by as much as 89% by 2035. This traffic volume increase would result in a traffic noise increase of 3 dB by 2035. However, as discussed in the Transportation Section of this Initial Study, the trips generated by project conditions would be reduced by approximately 56% during peak morning hours and by approximately 81% during peak evening hours, in comparison with the existing shopping center use. Additionally, as discussed in the *Noise Assessment*, other approved projects in the vicinity of the project site would increase traffic along the surrounding roadways by less than 2% under future conditions. The *Noise Assessment* concludes these traffic volumes are insignificant compared to the surrounding roadway volumes and would result in a traffic-related noise increase of less than 1 dB. Therefore, with the addition of the proposed project and future conditions, the worst-case scenario future traffic conditions would still result in a noise level increase of 3 dB by the year 2035. General Plan policy considers an increase of 3 dB Ldn to be a significant impact only if the future noise level would be 60 dBA Ldn or greater. As outlined in greater detail below, the analysis from the acoustical modeling indicates future exterior noise levels in the common areas of the project site would remain below 60 dBA Ldn.

An acoustical model of the project site and the surrounding area was created using the Federal Highway Administration's (FHWA) Traffic Noise Model, version 2.5 (TNM) and the results provided in the *Noise Assessment*. TNM was used to calculate exterior noise levels at the outdoor use areas of the project site. As discussed in the *Noise Assessment*, the proposed project common open space areas would be located on the interior of the site, would receive partial shielding from the project buildings, and would have setbacks from Fremont Boulevard and Chapel Way of at least 165 feet. The existing noise levels at these receptors were estimated to be below 60 dBA Ldn. The results indicate that the proposed project buildings would provide adequate shielding from the traffic along Fremont Boulevard and Chapel Way to reduce future exterior noise levels at the courtyards to below 60 dBA Ldn.

Noise levels in outdoor use areas that are affected by transportation noise are required to be maintained at or below 60 dBA Ldn to be considered normally acceptable for residential land uses, according to the City's General Plan. The future calculated noise levels at each outdoor use area located at the proposed project site would be below 60 dBA Ldn. This is a less-than-significant impact.

Interior Noise Levels

The California Building Code and the City of Fremont require project-specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower in residential units exposed to exterior noise levels greater than 60 dBA Ldn. Noise levels in new residential development exposed to an

exterior level of 60 dBA Ldn or greater should be limited to typical maximum instantaneous noise levels in bedrooms of 50 dB(A) during the nighttime (10 PM to 7 AM). Typical maximum instantaneous noise levels in other rooms, and bedrooms during the daytime, should not exceed 55 dB(A). Where the noise source is railroad trains or BART, special building construction techniques (e.g., sound-rated windows and building facade treatments, minimize façade openings, locate bedrooms away from noise sources) may be required to achieve the interior single event noise level limits.

As discussed in the *Noise Assessment*, the rooms of Buildings 1 and 9 facing Fremont Boulevard would be exposed to exterior noise levels of 73 to 74 dBA Ldn. The sides of Buildings 1 and 9 would also have direct line-of-sight to Fremont Boulevard. Rooms on the upper floors would be exposed to exterior noise levels ranging from 71 to 72 dBA Ldn. The second row of townhomes from Fremont Boulevard (Building 8) would be mostly shielded from traffic noise along the roadway by the first row of live/work units and the existing commercial property along the eastern boundary of the project site; however, townhome units 48 and 49, which are located on the western façade of Building 8 would have direct line-of-sight to the roadway, with setbacks ranging from 130 to 175 feet. At these distances, the units would be exposed to exterior levels ranging from 67 to 69 dBA Ldn. The eastern façade of Building 11 would face Chapel Way with a setback of approximately 40 feet. At this distance, the rooms along this façade would be exposed to exterior noise levels of 70 to 71 dBA Ldn, as well as typical maximum instantaneous noise levels up to 74 dBA Lmax due to the carwash located opposite Chapel Way. The north and south facades of the Building would also have direct line-of-sight to the roadway, with setbacks ranging from 40 to 80 feet. At these distances, the rooms would be exposed to exterior noise levels ranging from 67 to 71 dBA Ldn. The second row of townhomes (Building 10) set back from Chapel Way would be mostly shielded from traffic noise by Building 11 and the existing commercial property adjacent to the site to the south of this building. However, the northern façade of Building 10, which would include units 56 and 57, would have direct line-of-sight to Chapel Way with setbacks ranging from 115 to 155 feet. At these distances, the units would be exposed to exterior noise levels ranging from 63 to 66 dBA Ldn.

The remaining townhomes would be located on the interior of the project site and would receive adequate shielding from the other proposed project buildings and the existing buildings surrounding the site. The rooms of these townhomes would be exposed to exterior levels at or below 60 dBA Ldn. Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior to interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA Ldn, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA Ldn, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

Potential Impact Noise-1: Future residents of the project may be exposed to interior noise levels in excess of standards established in the local general plan. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: The following mitigation measures would reduce impacts from noise on the occupants of the dwelling units to a less-than-significant level:

MM Noise-1.1a (Mechanical Ventilation):

Provide a suitable form of forced-air mechanical ventilation, satisfactory to the building official, shall be provided for all residences on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

MM Noise-1.1b (Sound-rated Construction Methods):

Buildings 1and 9. Residential rooms in the live/work buildings (Buildings 1 and 9) with direct line-of-sight to Fremont Boulevard shall have windows and doors with a minimum Sound Transmission Class (STC) rating of 26 to 30.

Building 11. Due to the proximity of the carwash, townhomes adjacent to Chapel Way in Building 11 shall have windows and doors with a minimum STC rating of 32 to meet the 45 dBA Ldn threshold, as well as the 50 dBA Lmax bedroom threshold and 55 dBA Lmax threshold for all other rooms.

Buildings 8 and 10. Windows and doors with minimum STC ratings of 24 to 26 shall be installed in the townhome units in Building 8 and in Building 10.

MM Noise-1.1c (Plan Review by Acoustical Specialist):

Prior to issuance of a Building Permit, a qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dBA Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

Vibration Analysis:

As provided in the General Plan EIR, the adopted threshold for significance for groundborne vibration generated by construction activities is 0.5 inches/sec, ppv, for buildings structurally sound and designed to modern engineering standards, 0.2 inches/sec, ppv, for buildings that are found to be structurally sound but structural damage is a major concern, or 0.08 inches/sec, ppv, for historic buildings or buildings that are documented to be structurally weakened (General Plan EIR Page 4-165). As discussed in the *Noise Assessment*, the construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Construction activities would include site demolition, preparation work, foundation work, and new building framing and finishing. The proposed project would not require pile driving, which can cause excessive vibration.

No historical buildings or buildings that are documented to be structurally weakened adjoin the project site. The single-family houses that front onto Clough Avenue, to the west of the project

site, were built in 1947 and 1948, the single-family houses that front onto Kvistad Drive, to the north and northeast of the project site, were built in 1955, and the multi-family residence that fronts onto Max Drive, to the northeast of the project site, was built in the mid-1960s. Structural damage to nearby houses during construction of the proposed project is a concern, therefore, ground-borne vibration levels exceeding the conservative 0.2 in/sec PPV limit would have the potential to result in a significant vibration impact.

Potential Impact Noise-2: **Exposure to Excessive Ground-borne Vibration**. Construction-related vibration caused by some types of construction activity could be in excess of 0.2 in/sec PPV at the existing single-family residence located along the northeastern boundary of the project site. This is a significant impact. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: The following mitigation measures would reduce impacts from vibration to the existing single-family residences located along the northeastern boundary of the project site to a less-than-significant level:

MM Noise-2 (Heavy Equipment):

> The use of heavy vibration-generating construction equipment, such as vibratory rollers or clam shovel drops, within 20 feet of any adjacent residential use, is prohibited.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Development of the project would result in a temporary increase in noise levels during daytime hours, particularly from diesel-powered earth-moving equipment and other heavy construction machinery. All construction-related activities would be required to comply with the noise standards contained in the City of Fremont's Municipal Code for projects adjacent to/within residential neighborhoods, which would limit such activities to certain times of the day and week to reduce noise impacts on adjacent properties. These restrictions are:

Monday-Friday, 7 a.m. to 7 p.m.
Saturday and Holidays, 9 a.m. to 6 p.m.
Sunday, no construction activity allowed

The above construction hours would ensure that potentially loud construction activities would occur during daylight hours when other short-term noise impacts from such sources as diesel-powered vehicles, leaf blowers, school playgrounds and other nearby construction work would typically occur.

As discussed in the *Noise Assessment*, although noise generated by project construction would be expected to exceed 60 dBA Leq and exceed ambient noise levels at receptors surrounding the project site by more than 5 dBA Leq, construction activities would occur in short-term durations. These elevated levels over short-term durations would be considered a potentially significant impact if construction exceeds one year.

Potential Impact Noise-3: **Temporary Construction Noise**. Existing noise-sensitive land uses would be exposed to construction noise levels in excess of the significance thresholds for a short-term period. [Less than Significant with Mitigation Incorporated]

Mitigation Measure: Implementation of the measures provided in Mitigation Measure Noise-3 (below) would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the implementation of these measures, the lack of high-intensity construction equipment required for the proposed project, and the fact that noise generated by construction activities would occur over a temporary period, the temporary increase in ambient noise levels at this new development site would be a less-than-significant impact.

MM Noise-3 (Temporary Construction Noise):

Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:

1. Construction activities (including the loading and unloading of materials and truck movements) within 500 feet of one or more residences are limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction is permitted on Sundays.
2. Excavating, grading and filling activities (including warming of equipment motors) within 500 feet of one or more residences are limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction is permitted on Sundays.
3. Contractors shall equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
4. Contractors shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
5. Loading, staging areas, stationary noise-generating equipment, etc. shall be located as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
6. Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.
7. Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
8. Erect, if necessary, a temporary noise control blanket barrier along building facades facing construction sites. This mitigation will only be necessary if conflicts occur which are irresolvable by proper scheduling.
9. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
10. Businesses, residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. A "construction liaison" that would be responsible for responding to any local complaints about construction noise shall be designated. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

e-f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? For a project within

the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

There are no public or private airports located in the City or vicinity. No impact would result.

Potential Impact: No Impact
Mitigation: None Required

XIII. POPULATION AND HOUSING

Environmental Setting

The population of the City of Fremont was estimated to be approximately 226,551 in 2015.[5] The total number of housing units in Fremont was approximately 74,961 in 2012.[6] The Association of Bay Area Governments (ABAG) estimates that approximately 90,010 jobs were provided within the City of Fremont in 2010, and approximately 120,000 jobs would be provided by the year 2040. ABAG also estimates that there will be approximately 91,620 households within the City by 2040.[7]

The City's General Plan, adopted in 2011, establishes goals, policies, and actions to guide development and ensure the City has an adequate supply of housing.

Regulatory Framework

Local regulations that pertain to the proposed project related to population and housing include:

- City of Fremont General Plan Land Use and Housing Chapters (referencing City Housing Element, July 2009)

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X		1, 2, 4
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4

Discussion/Conclusion/Mitigation

a-c) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through

[5] State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2014 and 2015. January 2015. Available at: http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php
[6] US Census, American Community Survey 2012 5-Year Estimate
[7] ABAG, MTC. *Final Forecast of Jobs, Population, and Housing: Plan Bay Area.* July 2013. Available at: http://www.onebayarea.org/plan-bay-area/final-plan-bay-area.html

extension of roads or other infrastructure)? Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The General Plan land use designation for the project site is General Commercial, which allows commercial or mixed-use (commercial/residential) development but not a primarily residential project, such as the proposed multifamily residential project with townhouses and live/work units. General Plan policies, including Land Use Policy 2-4.6, as previously discussed, are supportive of the redevelopment of older shopping centers that are no longer viable. Live/work units, such as those proposed with this project, combine residential and commercial uses in one unit, subject to the restrictions provided in Fremont Municipal Code Section 18.190.

As discussed in the adopted Environmental Impact Report for the General Plan, implementation of the General Plan would not induce population growth, since new residential development under the General Plan would instead be intended to accommodate the City's portion of the region's anticipated population growth, and would not involve the extension of infrastructure or public services to undeveloped areas to support new residential development. While the proposed project would involve an amendment to the General Plan Land Use designation for the proposed site, as previously discussed, the proposed project is located on an infill site, served by existing public streets and utilities, and would not involve the extension of infrastructure or public services that would induce substantial population growth. The General Plan EIR estimated 2.5 persons per household within the City's designated Priority Development Areas (PDAs), which is where this project would be located. At 2.5 persons per household, the project could generate approximately 265 new persons, which would not be considered substantial growth in the Irvington PDA, where higher density, residential growth on underutilized sites was anticipated in the 2011 General Plan due to the proximity to transit and services. Vehicle and pedestrian traffic from the proposed project will access adjacent public streets (Fremont Boulevard and Chapel Way) via a proposed private street, driveways, and pedestrian walkways to be constructed on the project site. Wastewater and other utilities for the proposed project would be connected to existing facilities adjoining Fremont Boulevard. The proposed project would, along with other projects in the City, help to accommodate the City's portion of the region's anticipated population growth, and would not induce substantial population growth (less than significant impact).

The proposed project would not introduce an incompatible land use to the area, as it is a primarily medium density residential project with some live/work units and would be adjacent to low and medium density residential developments to the east and north and commercial uses to the southwest, east, and southeast. The area east of the project along Fremont Boulevard is designated Town Center Transitional, which encourages housing and mixed-use development along with local services and retail. The density (approximately 18 dwelling units per acre) and characteristics of the proposed development are consistent and compatible with surrounding development, similar to the density of adjacent multifamily developments and providing a transition between the single family community to the west and north and the commercial areas to the southwest, east, and southeast. No housing would be displaced with the proposed project, as the proposed project site is occupied by a commercial shopping center with no housing. The project would not result in the displacement of a large population or require the construction of replacement housing elsewhere.

Potential Impact: Less than Signficant Impact
Mitigation: None Required

XIV. PUBLIC SERVICES

Environmental Setting

Fire protection services for the project site are provided by the Fremont Fire Department (FFD) and Police protection services for the project site are provided by the Fremont Police Department (FPD). The closest fire station to the project site is Fire Station 3, which is located 50 feet from the eastern edge of the project site, on the other side of Chapel Way at 40700 Chapel Way. All City police functions are located in one police station at 2000 Stevenson Boulevard.

The project site is located in the Fremont Unified School District (FUSD), which operates one pre-kindergarten campus, 28 elementary schools, five junior high schools, five high schools, and one continuation school. The school nearest the proposed project site is Seneca Center (Pathfinder Academy), a non-public school with youth therapy services that serves up to 45 students in grades 6-12, which is located approximately 0.18 miles away at 40950 Chapel Way. The nearest public school is Horner Junior High School, which is located approximately 0.3 miles away at 40292 Leslie Street.

The City of Fremont maintains approximately 1,148 acres of parkland, spread over 53 parks, which provides recreational facilities to the community. The park nearest the project site is Centerville Community Park at 3355 Country Drive, which is located approximately 0.6 miles to the southeast.

Regulatory Framework

Local regulations that pertain to the proposed project related to public services include:

- City of Fremont General Plan Public Facilities and Safety Chapters
- City of Fremont Municipal Code

Environmental Checklist

Would the project?

ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?			X		1, 10
Police protection?			X		1, 10
Schools?			X		1, 10
Parks?			X		1, 10
Other public facilities?			X		1, 10

Discussion/Conclusion/Mitigation

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire, police, schools, parks or other public facilities?

On September 3, 1991, the City Council passed resolutions implementing the levying of Development Impact Fees for all new development within the City of Fremont. These fees are required of any new development for which a building permit is issued on or after December 1, 1991. The concept of the impact fee program is to fund and sustain improvements that are needed as a result of new development as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following categories: Traffic Impact Fees, Park Dedication and Park Facilities In-Lieu Fees, Capital Facilities Fees, and Fire Service Fees. Similarly, all new residential developments are required to pay School District fees to offset any impacts they might have on existing and/or planned public educational facilities. Payment of the required Development Impact and School District fees by the applicant prior to the issuance of building permits for the proposed project would result in the project having no significant impact on public services, schools, or other public facilities.

Potential Impact: Less than Significant
Mitigation: None Required

XV. RECREATION

Environmental Setting

The City of Fremont maintains approximately 1,148 acres of parkland, spread over 53 parks, which provides recreational facilities to the community. In addition, residents and community members also have access to parks and trail systems maintained by other agencies, including: the East Bay Regional Parks, the Don Edwards San Francisco Bay National Wildlife Refuge, the San Francisco Bay Trail, and other recreational trails. The City also operates other recreational facilities including five community centers, various sport facilities, a water park, and an art gallery.

Existing parks located near the project site include Irvington Plaza Park, at 40991 Fremont Boulevard, which is approximately 0.2 miles to the southeast, and Fremont Central Park, at 40500 Paseo Padre Parkway, which is approximately 0.35 miles to the north.

Regulatory Framework

Local regulations that pertain to the proposed project related to recreation include:

- City of Fremont General Plan Parks and Recreation Chapter

Environmental Checklist

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		1, 2, 3, 12
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X		1

Discussion/Conclusion/Mitigation

a-b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur

or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Construction of the proposed residential development would result in a slight increase in demand for local and regional park and recreation facilities from the project's residents; however, payment of the required in-lieu park dedication and park facility fees for new residential development as described in Section XIV - Public Services, above, would offset the increased demand in accordance with applicable City ordinances and reduce the impacts to such facilities to a less-than-significant level.

Potential Impact: Less than Significant
Mitigation: None Required

XVI. TRANSPORTATION/TRAFFIC

The following discussion is based in part on a *Traffic Impact Study*, dated September 30, 2015, by TJKM.

Environmental Setting

The proposed 3.73-acre project site is located on two lots at 40744 Fremont Blvd (APN 525-701-18-7) and 40733 Chapel Way (APN 525-701-15-18) in the Irvington Community Plan Area. The signalized intersections nearest the proposed project site are located at the intersection of Fremont Boulevard and Chapel Way, which is located approximately 150 feet to the southeast of the proposed project site, and the intersection of Fremont Boulevard and Grimmer Boulevard, which is located approximately 560 feet to the northwest of the proposed project site. The City of Fremont General Plan classifies the segment of Fremont Boulevard in front of the proposed project site as a Primary Arterial. Per the General Plan, Primary Arterials are high capacity local facilities which meet the demand for longer, through trips within a community, with weekend traffic volume greater than 20,000 vehicles per day.

The Fremont General Plan identifies within its Mobility Chapter that Level of Service (LOS) for signalized intersections of LOS D is the transportation operations threshold of significance for traffic impacts. Level of Service D represents a moderate amount of vehicle delay during the peak hour of intersection operations. For intersections operating at LOS E or F, an average delay increase of 4 seconds or more due to project traffic would be considered a significant impact.

Regulatory Framework

Local regulations that pertain to the proposed project related to transportation/traffic include:

- City of Fremont General Plan Mobility Chapter

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X		1, 3, 7, H

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X		1, 3, 7, H
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1, 3, 7
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	1, 3, 7
e.	Result in inadequate emergency access?			X		1, 6, 7
f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X		1, 3, 7

Discussion/Conclusion/Mitigation

a-b) Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Would the project conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The proposed project would include a new, internal private street to serve the development and provide access to Fremont Boulevard and Chapel Way, with driveways on both streets. An emergency vehicle access gate will be located at the end of Kvistad Drive, but it will remain closed except during emergency use. The segment of Fremont Boulevard in front of the project site currently carries an Average Daily Total Volume (ADTV) of vehicle traffic of 30,923 vehicles[8].

As discussed in the *Traffic Impact Study*, the existing site, a shopping center, generates 67 trips during the a.m. peak hour and 154 trips during the p.m. peak hour. The proposed project is expected to generate 29 trips during the a.m. peak and 35 trips during the p.m. peak hour. A comparison of trips generated by the existing shopping center use and trips that would be generated by the proposed multifamily residential project indicates that the projected trips from the proposed project would be approximately 56 percent lower during the a.m. peak period and approximately 81 percent lower during the p.m. peak period.

Fremont Boulevard and Grimmer Boulevard (signalized)

The *Traffic Impact Study* found that the intersection of Fremont Boulevard and Grimmer Boulevard operates at LOS C during the a.m. and p.m. peak hours, under current conditions. With

[8] City of Fremont, *Traffic Counts Table 2010*, available online: https://www.fremont.gov/869/Transportation-Data. Accessed: April 9, 2015.

the addition of the proposed project, the intersection would continue to operate at LOS C during the a.m. and p.m. peak hours.

Fremont Boulevard and Chapel Way (signalized)

The intersection of Fremont Boulevard and Chapel Way, the signalized intersection nearest the proposed project site, operates at LOS B during the a.m. peak hour and LOS A during the p.m. peak hour, under current conditions. With the addition of the proposed project, the intersection would continue to operate at LOS B during the a.m. peak hour and LOS A during the p.m. peak hour.

Table: Intersection Level of Service Analysis – Existing Conditions

City ID	Intersection	Intersection Control	A.M. Peak Hour		P.M. Peak Hour	
			Average Delay[1]	LOS[2]	Average Delay	LOS
1	Fremont Boulevard/ Stevenson Boulevard	Signal	43.5	D	42.7	D
2	Fremont Boulevard/ Grimmer Boulevard	Signal	32.2	C	32.3	C
3	Fremont Boulevard/ Clough Avenue	Two-Way Stop	**> 50.0**	**F**	**> 50.0**	**F**
4	Fremont Boulevard/ Chapel Way	Signal	12.1	B	9.6	A
5	Fremont Boulevard/ Papazian Way	One-Way Stop	33.7	D	**> 50.0**	**F**
6	Fremont Boulevard/ Bay Street/ Washington Boulevard/ Union Street	Signal	36.7	D	40.3	D
7	Washington Boulevard/ Osgood Road/ Driscoll Road	Signal	41.6	D	42.6	D

Notes: 1. Average intersection delay expressed in seconds per vehicle for signalized intersections
2. LOS = Level of Service;
Bold indicates deficient intersection operations

Table: Intersection Level of Service Analysis – Background Conditions

City ID	Intersection	Intersection Control	A.M. Peak Hour		P.M. Peak Hour	
			Average Delay[2]	LOS[1]	Average Delay	LOS
1	Fremont Boulevard/ Stevenson Boulevard	Signal	43.6	D	42.4	D
2	Fremont Boulevard/ Grimmer Boulevard	Signal	32.3	C	32.6	C
3	Fremont Boulevard/ Clough Avenue	Two-Way Stop	**> 50.0**	**F**	**> 50.0**	**F**
4	Fremont Boulevard/ Chapel Way	Signal	12.1	B	9.5	A
5	Fremont Boulevard/ Papazian Way	One-Way Stop	34.6	D	**> 50.0**	**F**
6	Fremont Boulevard/ Bay Street/ Washington Boulevard/ Union Street	Signal	37.3	D	40.8	D
7	Washington Boulevard/ Osgood Road/ Driscoll Road	Signal	41.8	D	42.8	D

Notes: 1. Average intersection delay expressed in seconds per vehicle for signalized intersections
2. LOS = Level of Service;
Bold indicates deficient intersection operations

The unsignalized intersection of Fremont Boulevard / Clough Avenue operates at LOS F during both the AM and PM peak hours and the unsignalized intersection of Fremont Boulevard / Papazian Way operates at LOS F during the p.m. peak hour, due to the eastbound right turn movement on Papazian Way. Since the project trips are expected to be lower than the existing trips, under Existing plus Project Conditions, the study intersections are expected to continue operating at current levels of service. A traffic signal warrant analysis was performed by the traffic consultant for these two intersections. Both did not warrant traffic signals. A Congestion Management Agency (CMA) Analysis was not required because the project trips are expected to be lower than the existing trips.

The General Plan promotes design and Transportation Demand Management (TDM) policies to encourage vehicle trip reduction to lessen impacts on the transportation system. These include facilitating pedestrian connectivity (3-2.3C), and Park and Ride facilities (3-2.9B). As discussed in the *Traffic Impact Study*, the proposed project will not have any impacts on the pedestrian and bicycle facilities within the immediate vicinity of the project. The proposed project represents a less than significant impact to the local roadway network and would not conflict with an applicable congestion management program. [Less Than Significant Impact]

Potential Impact: Less than Significant
Mitigation: None Required

c-d) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed project would not have an impact on air traffic patterns as there are no airports in Fremont. The design of the proposed project, including driveway improvements, would be consistent with City development standards. Vehicular access to the project site would be provided via a new private street accessible from Fremont Boulevard and Chapel Way and that would be designed to City standards for traffic safety and accessibility purposes. Thus, no impacts would result.

Potential Impact: No Impact
Mitigation: None Required

e-f) Would the project result in inadequate emergency access? Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Emergency vehicle access would be provided throughout the entire project over the proposed private street. As previously mentioned, an emergency vehicle access gate will be located at the end of Kvistad Drive, but it will remain closed except during emergency use. No sharp curves or dangerous intersections would be created by the project. The new private street would be designed in accordance with the City's standard details. Furthermore, the proposal does not feature any other unusual design elements that could pose a substantial safety hazard to vehicular or bicycle traffic or pedestrians. The proposed project includes pedestrian walkways to encourage walking. The project would not conflict with any plans, policies or programs supporting

alternative transportation in that it would not obstruct or otherwise impact any transit stops or bicycle lanes.

Potential Impact: No Impact
Mitigation: None Required

XVII. UTILITIES AND SERVICE SYSTEMS –

Environmental Setting

Water service to the project site would be provided by the Alameda County Water District (ACWD). Wastewater from the project site would be treated at the Alvarado Wastewater Treatment Plant (AWTP), which is operated by the Union Sanitary District (USD). The Alameda County Flood Control and Water Conservation District (ACFC) and the City of Fremont share responsibility for storm drainage within the City. The project site is located in Zone 6 of the ACFC watershed management zones. Water from creeks located in Zone 6 flows through a series of pipelines and channels that discharge into either Coyote Creek or Mowry Slough before ultimately continuing onto the San Francisco Bay.

Solid waste services in the City of Fremont are provided by Allied Waste Services (AWS) of Alameda County. AWS provides curbside pick-up of recyclables, organics, and garbage, and transports materials collected to the Fremont Recycling and Transfer Station, located at 41149 Boyce Road, for processing. The majority of the garbage is subsequently transferred to the Altamont Landfill, located approximately 32 miles northeast of the project site, for disposal; some garbage is also transferred to Newby Island Sanitary Landfill in San José for commercial disposal. The Altamont Landfill serves many municipalities in the Bay Area and is anticipated to have disposal capacity through the year 2045.

Regulatory Framework

Local regulations that pertain to the proposed project related to utilities and service systems include:

- City of Fremont General Plan Public Facilities Chapter
- City of Fremont Municipal Code

Environmental Checklist

Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		10
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		10
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has			X		10

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
	adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?					
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		10, 24
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			X		10, 24

Discussion/Conclusion/Mitigation

a-g) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The proposed development would not generate a significant increase in wastewater or stormwater runoff levels that could exceed the capacity of the sewer and storm drain lines serving the project site. Stormwater treatment areas would be constructed along internal walkways and a retention basin in the northeastern portion of the proposed project site. Wastewater and other utilities would be connected to existing facilities adjoining Fremont Boulevard.

Potential Impacts to Wastewater Treatment

Review of the proposed project has been coordinated with Union Sanitary District. Union Sanitary District staff has confirmed the existing sewer mains and the Alvarado Wastewater Treatment Plant currently have sufficient capacity to serve the proposed project. As such, the proposed project would have a less than significant impact on wastewater treatment and would not require the construction or expansion of existing facilities. [Less Than Significant Impact]

Potential Impacts to Storm Drainage

The existing site is approximately 98% covered with impervious surfaces, including buildings and paved parking area. The existing impervious area is approximately 158,000 square feet whereas the proposed project would have approximately 126,000 square feet of impervious surfaces, a total decrease of approximately 32,000 square feet.

Because the project would create in excess of 10,000 square feet of impervious surface area, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulate the treatment of stormwater runoff on the site. As such, the project would be required to incorporate low impact development (LID) techniques to treat stormwater runoff from all on-site impervious surfaces before it is discharged into the public storm drain system. The

project would be designed in compliance with C.3 requirements and, as such, no impacts related to storm drainage would result. [Less Than Significant Impact]

Potential Impacts to Water Supply

The project site is currently developed as a commercial shopping center. The ACWD Demand Forecast (2009) established a baseline water use of 3,700 gallons/day for the site, based on the commercial shopping center in place at that time. ACWD estimates the water use for a project of the type proposed is approximately 12,700 gallons/day. While the proposed project would increase water demand for the site, the Demand Forecast included provisions in regard to water allocation for smart growth development and sites within the ABAG priority development area for the Irvington District of Fremont. Even though the proposed project will require a General Plan Amendment, the ACWD Demand Forecast includes water demand assumptions for some intensification of land uses, beyond that provided in the City of Fremont General Plan. As the proposed project is considered a smart growth project, that would create infill residential development near transit, and the site is located in a designated Priority Development Area, the estimated 12,700 gallons/day demand for the proposed project has been included in ACWD's existing water demand forecast and water supply planning, as documented in Alameda County Water District Urban Water Management Plan 2010-2015. [Less Than Significant Impact]

Potential Impacts to Landfills and Solid Waste

The project would be served by the City's franchised waste hauler, in compliance with the applicable standards governing residential solid wastes and recyclables. The landfill facility that would receive the non-recyclable solid waste generated by the proposed project, the Altamont Landfill owned and operated by Waste Management of Alameda County, is anticipated to have capacity until the year 2045. The proposed development would comply with applicable local, state, and federal laws and policies regarding solid waste. As there is sufficient capacity at the local landfills to serve the project, the project would have a less than significant impact on solid waste facilities and services. [Less Than Significant Impact]

Potential Impact: Less than Significant
Mitigation: None Required

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X			See Previous
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X		See Previous
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X			See Previous

Discussion/Conclusion/Mitigation

The above discussion adequately addresses all potential impacts the proposed project may have on the environment. This initial study has found that the proposed project would not have the potential to degrade the quality of the environment. The implementation of the identified mitigation measures listed in Section XIX, below, combined with the project conditions of approval, would reduce all impacts the project may have to a less-than-significant level.

XIX. MITIGATION MEASURES:

MM Air-1: Temporary Construction Emissions. Prior to the issuance of a grading permit, the following best management practices shall be included in a dust control plan to limit fugitive dust emissions and noted on the grading and construction plans along with the contact information for a designated crew member responsible for the on-site implementation of the dust control plan:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

MM Bio-1: Pre-Construction Surveys. If project-related activities are scheduled to occur during the nesting season (February 1 through August 31 for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of any project-related activities. If a lapse in the project related work of 15 days or longer occurs during the nesting season, another focused survey shall be required before project work can be reinitiated. If an active nest is found, the permittee (applicant or developer) shall establish a buffer area that surrounds the nest location. The width of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.

MM Cult-1.1: Preconstruction Testing. Because there is a high potential for Native American archaeological cultural resources and a moderate potential for historic-period archaeological cultural resources in the project site, a limited program of presence/absence backhoe "pot holing" (one day duration) shall be conducted by an archaeologist after the removal of existing buildings to identify any

archaeological deposits that may be present on the project site. The investigation shall be done in sampling locations in selected areas within the project site to anticipated maximum depth of excavation. A report of findings shall be prepared to document the results of the survey and presence/absence excavations. The report shall be submitted to the Alameda County and the Northwest Information Center. Impacts to archaeological deposits shall be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their California Register eligibility, under the direction of a qualified professional archaeologist, to determine if they qualify as a historical resource under CEQA. If the deposit is not eligible, a determination shall be made as to whether it qualifies as a "unique archaeological resource" under CEQA. If the deposit is neither a historical nor unique archaeological resource, avoidance is not necessary. If the deposit is eligible for the California Register, or is a unique archaeological resource, it shall be avoided by project actions that may result in impacts, or such impacts must be mitigated. Mitigation may consist of, but is not limited to, recording the resource; recovery and analysis of archaeological deposits; preparation of a report of findings; and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate.

MM Cult-1.2: Accidental Discovery. If deposits of prehistoric or historic-period archaeological materials are encountered during project activities, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist shall be contacted to assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. The project proponent shall also be notified. Project personnel shall not collect or move any archaeological materials or human remains and associated materials.

Impacts to archaeological deposits shall be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their California Register eligibility, under the direction of a qualified professional archaeologist, to determine if they qualify as a historical resource under CEQA. If the deposit is not eligible, a determination shall be made as to whether it qualifies as a "unique archaeological resource" under CEQA. If the deposit is neither a historical nor unique archaeological resource, avoidance is not necessary. If the deposit is eligible for the California Register, or is a unique archaeological resource, it shall be avoided by project actions that may result in impacts, or such impacts must be mitigated. Mitigation may consist of, but is not limited to, recording the resource; recovery and analysis of archaeological deposits; preparation of a report of findings; and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results of the investigation, and provide recommendations for the treatment of the archaeological materials discovered. The report should be submitted to the client and the Northwest Information Center.

Prehistoric materials can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite tool-making debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Prehistoric sites

often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse.

MM Cult-1.3: Human Remains. If human remains are encountered during project activities, work within 50 feet of the discovery shall be redirected and the Alameda County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. The project proponent shall also be notified. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to Alameda County and the Northwest Information Center.

MM Cult-1.4: Discovery of Paleontological Resources. In the event of the discovery of Paleontological resources during construction or demolition, there shall be no further excavation or disturbance of the site within a 50 foot radius of the location of such discovery until it can be evaluated by a qualified archeologist or paleontologist. Work shall not continue until the archeologist or paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

MM Haz-1.1: Hydraulic Elevator Removal. Prior to demolition of the hydraulic elevator (currently located in the Connolly Furniture tenant space), the project proponent shall coordinate with Fremont Fire Department (FFD) and Alameda County Water District (ACWD) and comply with all closure requirements. The hydraulic ram shall only be removed in the presence of ACWD and FFD. A liquid sample from any oil recovered from the ram shall be collected and analyzed, prior to disposal for analysis of Poly-Chlorinated Biphenyls (PCBs). At least one soil sample shall be collected from the bottom of the ram excavation for analysis of PCBs and Diesel Range Organics (DRO) and Hydraulic Oil Range Organics (HORO). A Workplan, prior to demolition activity, and a Closure Report, after removal of the elevator is completed, shall be prepared for approval by FFD and ACWD.

MM Haz-1.2: Building Demolition. During building renovation or demolition activities, the project proponent shall follow and implement:

1. All Asbestos-Containing Materials (ACM), Lead-Based Paint (LBP) and Lead-Containing Materials (LCM) regulations and requirements

with regard to identifying, handling, and disposal.

2. All HAZMAT regulations and requirements with regard to identification, characterization, waste and debris disposal, and recycling.

MM Haz-1.3: Environmental Professional (Onsite). An environmental professional (such as an environmental engineer, geologist, or technician) shall be onsite during demolition and grading activities to ensure compliance with applicable environmental standards in the event unforeseen impacts are encountered during redevelopment activities.

MM Noise-1.1a (Mechanical Ventilation):

Provide a suitable form of forced-air mechanical ventilation, satisfactory to the building official, shall be provided for all residences on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

MM Noise-1.1b (Sound-rated Construction Methods):

Buildings 1and 9. Residential rooms in the live/work buildings (Buildings 1 and 9) with direct line-of-sight to Fremont Boulevard shall have windows and doors with a minimum Sound Transmission Class (STC) rating of 26 to 30.

Building 11. Due to the proximity of the carwash, townhomes adjacent to Chapel Way in Building 11 shall have windows and doors with a minimum STC rating of 32 to meet the 45 dBA Ldn threshold, as well as the 50 dBA Lmax bedroom threshold and 55 dBA Lmax threshold for all other rooms.

Buildings 8 and 10. Windows and doors with minimum STC ratings of 24 to 26 shall be installed in the townhome units in Building 8 and in Building 10.

MM Noise-1.1c (Plan Review by Acoustical Specialist):

Prior to issuance of a Building Permit, a qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dBA Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

MM Noise-2 (Heavy Equipment):

The use of heavy vibration-generating construction equipment, such as vibratory rollers or clam shovel drops, within 20 feet of any adjacent residential use, is prohibited.

MM Noise-3 (Temporary Construction Noise):

Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project

shall include the following best management practices to reduce noise from construction activities near sensitive land uses:

1. Construction activities (including the loading and unloading of materials and truck movements) within 500 feet of one or more residences are limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction is permitted on Sundays.
2. Excavating, grading and filling activities (including warming of equipment motors) within 500 feet of one or more residences are limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction is permitted on Sundays.
3. Contractors shall equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
4. Contractors shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
5. Loading, staging areas, stationary noise-generating equipment, etc. shall be located as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
6. Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.
7. Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
8. Erect, if necessary, a temporary noise control blanket barrier along building facades facing construction sites. This mitigation will only be necessary if conflicts occur which are irresolvable by proper scheduling.
9. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
10. Businesses, residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. A "construction liaison" that would be responsible for responding to any local complaints about construction noise shall be designated. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

GENERAL SOURCE REFERENCES:

The following is a list of references used in the preparation of this document. Unless attached herein, copies of all reference reports, memorandums and letters are on file with the City of Fremont Department of Community Development. References to publications prepared by federal or state agencies may be found with the agency responsible for providing such information.

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title 18, Planning and Zoning (including Tree Preservation Ordinance)
4. City of Fremont General Plan (Certified 2009 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Stormwater General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2012
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title 8, Health and Safety (e.g. solid waste, hazardous materials, etc.)
25. City of Fremont Municipal Code Title 12, Streets, Sidewalks & Public Property
26. City of Fremont Municipal Code Title 15, Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

PROJECT RELATED REFERENCES:

A. *Tree Study*, dated May 2015, by Hort Science, Inc.
B. *Cultural Resources Study*), dated September 2015, LSA Associates, Inc.
C. *Phase I – Environmental Site Assessment (2015)*, dated August 2015, by The Consulting Group
D. *Phase I – Environmental Site Assessment (2013)*, dated October 2013, by ENGEO
E. *Phase II – Environmental Site Assessment*, revised March 2015, by ENGEO
F. *Irvington District Land Use Study*, dated August 2014, by Greensfelder Commercial Real Estate LLC
G. *Noise Assessment*, dated October 16, 2015, by Illingworth & Rodkin, Inc.
H. *Traffic Impact Study*, dated September 30, 2015, by TJKM.